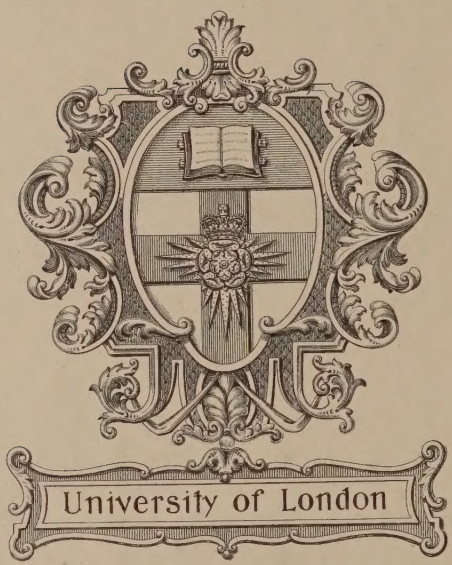
University of London

REPORTS

FROM

COMMITTEES:

EIGHT VOLUMES.

—(8.)—

SEA COAST FISHERIES (IRELAND) BILL;
TENURE (IRELAND) BILL [H.L.]

Session

5 February —— 21 *August* 1867.

VOL. XIV.

1867.

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N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Paper; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

SEA COAST FISHERIES (IRELAND) BILL:

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1857.

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REPORT

FROM THE

SELECT COMMITTEE

ON THE

SEA COAST FISHERIES (IRELAND) BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1867.

Wednesday, 15*th May* 1867.

Ordered, THAT the Sea Coast Fisheries (Ireland) Bill be committed to a Select Committee.

Tuesday, 21*st May* 1867.

Ordered, THAT the Select Committee on the Sea Coast Fisheries (Ireland) Bill do consist of Seventeen Members.

Committee nominated of,—

Mr. Blake.
Sir Graham Montgomery.
Mr. Kavanagh.
Mr. Bonham-Carter.
Mr. Shaw Lefevre.
Sir Henry Winston Barron.
Colonel Annesley.
Mr. Maguire.
General Dunne.
Mr. George Clive.
Lord Claud J. Hamilton.
Mr. Herbert.
Sir John Gray.
Mr. Malcolm.
Colonel Vandeleur.
Sir James Fergusson.
Colonel Tottenham.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Friday, 31*st May* 1867.

Ordered, THAT the Select Committee on the Sea Coast Fisheries (Ireland) Bill do consist of Twenty-one Members.

Ordered, THAT Lord Dunkellin, Mr. Ion Hamilton, Lord John Hay, and Mr. Cooper be added to the Committee.

Friday, 19*th July* 1867.

Ordered, THAT the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE to whom the SEA COAST FISHERIES (IRELAND) BILL was referred, and who were empowered to Report their Observations, together with the Minutes of Evidence taken before them, to The House, have agreed to the following REPORT:

1. YOUR Committee beg to report that they directed their inquiry to the following points:

1st. The condition of the Sea Fisheries.

2nd. Whether the restrictions imposed on particular modes of fishing were advisable.

3rd. Whether the Fisheries admitted of a greater development.

4th. Whether the State could judiciously assist in developing the Fisheries.

5th. The expediency of framing regulations to facilitate the making of agreements between the owners of fishing craft and crews.

6th. Of vesting the chief authority with regard to the Fisheries, in the Lord Lieutenant, and placing the general control and superintendence under a special Board.

7th. Of consolidating the several Statutes relating to the Fisheries.

2. Your Committee selected from the large mass of witnesses suggested to them, those whom they considered best calculated, within a reasonable time, to afford the most reliable information on the official, scientific, commercial, and practical points involved in the inquiry.

3. They had also the advantage of being able to refer to the Report and Evidence of the Commissioners of Inquiry into the Irish Fisheries in 1836; the Report and Evidence of the Royal Commission on Fisheries of 1866; and the Annual Reports of the Board of Works in Ireland on the Fisheries for 20 years, and other important documents furnished by different witnesses.

4. From the ample materials thus furnished, the Committee have been enabled to arrive at the following conclusions with respect to:—

I. The Present State of the Fisheries.

5. Your Committee consider that, with the exception of the Fisheries on the east coast, they are in a very depressed condition.

6. Out of 38 districts into which the coast is divided, 23 are reported by the coast guard as declining, and 6 exhibiting no improvement as regards the number of vessels, and boats, and crews. On a portion of the east and south-east coast an improvement has taken place for the last few years, owing to the large influx of herrings and mackerel, and a great impetus has been given to fishing enterprise in consequence, at the principal points from which herring and mackerel fishing is carried on.

7. Around the other parts of the coast, with very few exceptions, there is the same downward tendency which since the famine has marked this branch of industry, although it appears certain that fish are as abundant as ever, the

demand as great, and facilities of internal communication and means of reaching the English markets much increased. To the foregoing may be added the singular fact of the large importation into Ireland of descriptions of fish from Newfoundland and Scotland, with which the Irish coasts abound.

8. The following figures speak forcibly of the decline that has taken place in this important source of industry.

The number of vessels and boats in 1846 amounted to -	19,883
Ditto - - - in 1866 - - -	9,444
Showing a decrease, in 20 years of - - -	10,439

* The number of men and boys engaged in fishing in 1846, amounted to - - - - - - - -	113,073
Ditto, in 1866 - - - - - - - -	40,663
Showing a decrease in 20 years of - - -	72,410

Thus it will be seen that the fishing craft are less than half what they were 20 years ago, and the crews reduced by nearly two-thirds. It is not, however, to be understood that all the persons included in the foregoing figures are exclusively devoted to sea fishing.

9. In reference to this diminution, the Royal Commissioners on Fisheries, 1866, remark: "The great decline in the number of fishermen we believe to be wholly due to the famine of 1848, and the subsequent emigration. They shared to the full extent in the sufferings of the famine; and as most of them become physically incapable of going to sea, it was frequently found that men were starving while fish was in abundance on the coast. In many parts of Ireland the fishing population has not yet recovered from the depression and ruin caused by the famine, and the subsequent emigration, by taking off the youngest and ablest of the fishermen and leaving behind the old, the feeble, and the incompetent, has still further operated not only in reducing the numbers, but in lowering the average condition of those who remain behind."

10. While agreeing generally in this statement of the Royal Commission, the evidence given by the Inspecting Commissioner of Fisheries, Mr. Barry, induced the Committee to conclude that, although the diminution of the coast population, consequent on the famine and subsequent emigration, was relatively less than that which took place in the other portions of Ireland, still the decrease in the number of those following fishing pursuits was much beyond that of any other class. This has been accounted for by the large number who, owing to the pressure of want, were unable to keep their boats and gear in repair, or to replace them when lost, were forced to abandon fishing pursuits, and were never afterwards in a position to resume them.

II. The Restrictions on Fishing.

11. The inquiries of your Committee on this point were chiefly directed to the subject of trawling in bays and estuaries.

12. They found the prohibition against this mode of fishing existing more or less in most of the bays and estuaries in which it could be successfully carried on.

13. In making these prohibitions, the Board of Works appears to have been quite as much influenced by a desire to prevent contention between trawlers and those following other modes of fishing, especially the long-line fishermen, as from any conclusive evidence being afforded them that injury resulted to spawn from the action of the trawl. After hearing the best evidence, scientific and otherwise, that could be obtained on the subject, the Committee have been unable to arrive at a conclusion as to where fish (with the exception of herrings) deposit their spawn. There appears to them, however, to be good grounds for assuming

* *Vide* 16th Report of the Commissioners of Public Works in Ireland, page 285.

assuming that, even if a deposit of spawn is made in shallow waters by other fish besides herrings, it takes place in such situations as not to be easily disturbed by the action of the trawl, and that, even should it be disturbed, that it is doubtful if the further development of the ova is arrested.

14. Owing to the prevention of trawling in certain places, it appears that large quantities of fish frequenting bays and estuaries, which can only be captured by that mode, are lost to the consumer.

15. Your Committee therefore recommend that, after the expiration of one year after the passing of the proposed Act, the existing regulations imposing restrictions on all modes of fishing, except for oysters, should cease; reserving, however, to the Board, after due inquiry, and subject to the approval of and appeal to the Lord Lieutenant in Council, the power of making such restrictions and other bye-laws as may be deemed necessary.

16. Your Committee recommend that Government should institute experiments (similar to those carried out by the Scotch Fishery Board in the Frith of Forth) in order to ascertain whether other fish besides herrings deposit their ova in bays and estuaries, and if so, whether in such situations as to be liable to injury from the action of trawls.

17. Your Committee recommend the enactment of bye-laws, after full inquiry—

18. To regulate the distance that trawlers should keep from other craft engaged in drift-net fishing for herrings or mackerel.

19. To regulate the form of nets and size of meshes to prevent the destruction of undersized or immature fry.

20. To prevent the gear of long-line and other fishermen being injured, and to compel fishermen generally to adopt precautions to enable other persons engaged in fishing to avoid coming in contact with their gear.

III. Whether the Fisheries admit of being further developed.

21. Your Committee believe they might be to a very large extent.

22. For this purpose, however, larger and better found boats would be required than generally exist at present, and the formation in some places of harbours and landing slips. Numbers of fishermen in different localities, on the approach of rough weather, are obliged to put back, either from an apprehension of their craft being too small and frail to remain out with safety, or that risk would be incurred in attempting, during tempest, to enter the unsafe harbour or creek to which they might belong.

23. Your Committee recommend that greater encouragement should be given to grand juries to assist in the construction and improvement of fishery piers and harbours by rendering the contribution by the baronies interested payable by instalments, in the same manner as is provided in Clauses 14 and 25 of an Act of the present Session, intituled "An Act to afford further facilities for the erection of certain Bridges in Ireland."

24. The oyster fisheries appear to be capable of being developed to a very large extent. Your Committee recommend, with a view to encourage the cultivation, that that portion of the Act of last Session prohibiting the granting of licenses below low-water mark to others than the owners and occupiers of the adjoining land without the consent of the latter, should be repealed, and that permission, after due inquiry, be given by the Commissioners, subject to the approval of and appeal to the Lord Lieutenant in Council, to grant licenses to other parties beyond low-water.

IV. Whether the State could aid judiciously in developing the Fisheries.

25. Your Committee consider that the depressed state of the fisheries is mainly owing to the inability of a large portion of the coast population to procure the boats and gear requisite to follow the pursuit in a manner calculated to insure success. The advances made by "The Society for Improving the Condition of the Poor of Ireland" to fishermen, to procure boats and gear, have done much

good, and have been all repaid; assistance of a similar character by a private individual in the west of Ireland appears also to have proved most beneficial, and to have caused no loss tothe lender.

26. The Inspecting Commissioner of Fisheries bore testimony to the benefits which resulted under the former system of loans, and warmly recommended their renewal. The Commission of Inquiry of 1836 (of which he was a member) also strongly urged the continuance of the system. The late Inspector of Fisheries, now the present Secretary to English and Irish Inland Fishery Commissions, an officer of great intelligence and experience, also advocated the granting of loans as the best means of resuscitating the fisheries. Other reliable witnesses deposed to the same effect; and all bore testimony to the peaceable, industrious, and honest disposition of the coast fishermen. In strongly recommending this subject to the serious consideration of the Government, your Committee do not feel that they are advancing any new principle; they have the precedent of the former system of bounties before them, and the evidence of the great advantages it conferred; they have the example of the liberal policy pursued by the Government for many years in encouraging the Scotch fisheries by loans and grants, to which the secretary of the Scotch Fishery Board, in his evidence, attributed in a great measure the present flourishing condition of the Scotch fisheries. The question of security is one on which it will most naturally have to depend; and difficult as it may appear at first to determine in such cases what kind of available security would be deemed sufficient, they have little doubt that through the means of local committees and the collateral securities of the wealthier inhabitants of the districts, who, from their knowledge of the character and circumstances of the applicants, may be willing to answer for them, a satisfactory solution can be arrived at. In conclusion, upon this subject your Committee would merely remark that it is only to those who can give *bonâ fide* security they would recommend loans to be advanced.

27. Your Committee therefore have no hesitation in strongly recommending that loans should be given on satisfactory security to fishermen, to be applied for the purchase or repair of boats and gear, as one of the best means of improving the fisheries.

28. Your Committee also recommend loans, on satisfactory security, for the erection of curing houses and other buildings for fishery purposes, and for the construction and improvement of harbours in such instances as the Board might not consider itself justified in granting a subsidy from the public funds.

29. As it appears from evidence that it frequently occurs that places resorted to formerly by large shoals of fish have been abandoned by them for others, your Committee recommend that Government should adopt means of ascertaining whether desirable fishing grounds, not now availed of, exist within convenient reach of the coast.

30. They also recommend that if the branding system be continued in other parts of the kingdom, it should be extended to Ireland, as the Irish herring curers are now placed at considerable disadvantage by not having the benefit of the brand to facilitate their sales in Continental markets, possessed by the Scotch curers.

V. Agreements between Owners of Fishing Craft and Crews.

31. Your Committee recommend, as most desirable for the interest of both parties, facilities being afforded for entering into voluntary agreements of a simple character at a nominal expense.

VI. Central Authority, and Board of Control and Management.

32. Your Committee have given this subject very earnest consideration, and in conveying their opinion of the course they would recommend, they feel most anxious to avoid the slightest expression which could be interpreted to impute either slight or censure to the present Board of Works, in whom the management

ment of the sea coast fisheries is at present vested; but they cannot disregard the evidence before them as to the variety and importance of the numerous functions they have now to discharge, and to the fact that the fishery questions have often had to give place to other considerations of a more pressing kind, added to which they have had to bear in mind that should this Act pass into law, the duties relating to the sea coast fisheries would be very materially increased both as to the variety and importance of the questions they would be called upon to consider.

33. Your Committee, after duly considering these various circumstances to which they have referred, and without losing sight of the desirability of incurring no more extra expense than should be absolutely necessary, are of opinion that it would be most desirable to amalgamate the sea coast and inland fisheries under one Board, to consist of three Commissioners, one of them to be an engineer of not less than seven years' standing, and a sufficient number of inspectors, with secretary and other officers necessary to perform the duties of the combined Boards. Your Committee beg leave also to remind the House that the term of the present Commissioners of Inland Fisheries will expire in the ensuing year, when it will be necessary to appoint their successors, even should this Act not come into operation.

34. A Board such as that now suggested, possessed of sufficient powers, having adequate means, and composed of competent Commissioners, would, in the opinion of the Committee, be enabled to resuscitate this decaying and much neglected branch of industry, and at a cost to the State very trifling, when compared to the advantages which would result; place this important national resource on a basis which would secure to the public an increased quantity of wholesome food; would afford increased employment, and prove a valuable nursery for the Royal naval and mercantile marine.

VII. The Consolidation of the Acts relating to the Fisheries.

35. Your Committee recommend this as advisable, and further recommend that the Act 26 & 27 Vict. c. 114, relating to the Salmon Fisheries, should be also embodied therein.

39. In conformity with the foregoing recommendations, your Committee have amended the Bill referred to them for consideration, which they also beg to present with this Report, and most earnestly urge on the Government the policy of introducing a measure, as soon as possible, to carry into effect the suggestions now offered, as being calculated not only to benefit Ireland, but to add considerably to the wealth of the kingdom.

19 *July* 1867.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 23*rd May* 1867.

MEMBERS PRESENT:

Mr. Blake.	Colonel Tottenham.
Mr. Malcolm.	Mr. Shaw Lefevre.
Sir Henry Barron.	Mr. Clive.
Sir John Gray.	Colonel Vandeleur.
Mr. Herbert.	General Dunne.
Mr. Maguire.	Lord Claud J. Hamilton.

Mr. BLAKE called to the Chair.

The Committee deliberated.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 30*th May* 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Sir John Gray.	Sir Henry Barron.
Colonel Annesley.	Lord Claud Hamilton.
Mr. Kavanagh.	Mr. Herbert.
Colonel Vandeleur.	Mr. Bonham-Carter.
Sir Graham Montgomery.	Mr. Maguire.
Mr. Shaw Lefevre.	Mr. Malcolm.
Colonel Tottenham.	Mr. Clive.

Mr. *Edward Hornsbey* examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 3*rd June* 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Mr. Herbert.
Colonel Annesley.	Sir Graham Montgomery.
Colonel Tottenham.	Sir John Gray.
Sir Henry Barron.	Lord John Hay.
Mr. Cooper.	Mr. Bonham-Carter.
Colonel Vandeleur.	General Dunne.
Mr. Clive.	Mr. Maguire.
Lord Claud J. Hamilton.	Mr. Lefevre.
Mr. Ion Hamilton.	

Colonel *McKerlie* examined.

[Adjourned till Wednesday next, at Twelve o'clock.

Wednesday, 5th June 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

General Dunne.	Colonel Vandeleur.
Sir Henry Barron.	Sir John Gray.
Mr. Hamilton.	Mr. Clive.
Mr. Cooper.	Mr. Maguire.
Mr. Kavanagh.	Sir Graham Montgomery.
Colonel Tottenham.	Mr. Shaw Lefevre.
Mr. Herbert.	

Sir *James Dombrain* and Mr. *William Andrews* were severally examined.

[Adjourned till To-morrow, at Twelve o'clock.

Thursday, 6th June 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Colonel Vandeleur.
General Dunne.	Sir John Gray.
Mr. Cooper.	Colonel Tottenham.
Sir Henry Barron.	Mr. Bonham-Carter.

Mr. *William Andrews* further examined.

[Adjourned till Tuesday, 18th June, at Twelve o'clock.

Tuesday, 18th June 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Lord Claud John Hamilton.
Mr. Herbert.	Mr. Hamilton.
Colonel Tottenham.	Colonel Annesley.
General Dunne.	Lord Dunkellin.
Mr. Cooper.	Mr. Shaw Lefevre.
Sir Henry Barron.	Sir Graham Montgomery.
Mr. Malcolm.	Colonel Vandeleur.

Captain *Wallop Brabazon* and Mr. *John Good* were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 21st June 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Mr. Herbert.
Colonel Vandeleur.	Lord Dunkellin.
Mr. Cooper.	Colonel Annesley.
General Dunne.	Colonel Tottenham.
Mr. Bonham-Carter.	Mr. Malcolm.
Mr. Hamilton.	Mr. Maguire.
Sir John Gray.	Sir Graham Montgomery.
Sir Henry Barron.	Lord Claud J. Hamilton.

Mr. *John Good* further examined.

Mr. *Abraham Stephens* and Mr. *Robert Savage* were severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 25th June 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Lord Claud John Hamilton.
Mr. Cooper.	Mr. Maguire.
Mr. Herbert.	Mr. Malcolm.
Colonel Annesley.	Mr. Hamilton.
Colonel Tottenham.	Sir Henry Barron.
Lord Dunkellin.	Sir Graham Montgomery.
Colonel Vandeleur.	Sir John Gray.
Mr. Bonham-Carter.	General Dunne.

Mr. *James Redmund Barry* examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 27th June 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Mr. Herbert.
Mr. Maguire.	Lord Claud J. Hamilton.
Mr. Hamilton.	Mr. Clive.
Mr. Lefevre.	Colonel Tottenham.
Mr. Cooper.	Colonel Vandeleur.
General Dunne.	Mr. Bonham-Carter.
Sir Henry Barron.	Sir John Gray.
Colonel Annesley.	Sir Graham Montgomery.

Mr. *James R. Barry* further examined.

Mr. *Martin Hart* examined.

[Adjourned till To-morrow, at Twelve o'clock.

Friday, 28th June 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Colonel Annesley.	Lord Claud J. Hamilton.
Mr. Herbert.	Mr. Maguire.
Sir Henry Barron.	Lord Dunkellin.
Mr. Cooper.	Colonel Tottenham.
Mr. Lefevre.	Mr. Clive.
Colonel Vandeleur.	Mr. Bonham-Carter.

Mr. *James R. Barry* further examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 1st July 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	General Dunne.
Sir Graham Montgomery.	Lord Dunkellin.
Colonel Annesley.	Colonel Vandeleur.
Mr. Lefevre.	Colonel Tottenham.
Mr. Cooper.	Sir Henry Barron.
Mr. Hamilton.	Mr. Malcolm.

Mr. *Alexander Stewart* and Professor *Huxley* were severally examined.

[Adjourned till Wednesday next, at Twelve o'clock.

Wednesday, 3rd July 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Lord Claud John Hamilton.
Lord John Hay.	Colonel Annesley.
Mr. Hamilton.	Mr. Malcolm.
Mr. Herbert.	Colonel Vandeleur.
General Dunne.	Lord Dunkellin.
Mr. Cooper.	Colonel Tottenham.
Sir Graham Montgomery.	Mr. Maguire.
Sir Henry Barron.	Mr. Clive.

Captain *Richard Hoskyn* examined.

The Committee deliberated.

Motion made, and Question, "That no more witnesses be examined with the exception of those already summoned"—(General *Dunne*)—put, and *agreed to.*

Motion made, and Question put, "That the order for the attendance of Professor Allman be discharged"—(*General Dunne*).—The Committee divided:

Ayes, 8.	Noes, 6.
Mr. Kavanagh.	Sir Henry Barron.
General Dunne.	Colonel Annesley.
Mr. Herbert.	Mr. Maguire.
Mr. Malcolm.	Lord Claud J. Hamilton.
Colonel Vandeleur.	Colonel Tottenham.
Lord Dunkellin.	Lord John Hay.
Mr. Hamilton.	
Mr. Cooper.	

Motion made, and Question, "That the order for the attendance of the Hon. Bouverie Primrose be discharged"—(Colonel *Annesley*)—put, and *negatived.*

Mr. *Thomas Brady* examined.

[Adjourned till Friday next, at Three o'clock.

Friday, 5th July 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Sir Henry Barron.	Mr. Clive.
Sir Graham Montgomery.	General Dunne.
Mr. Cooper.	Lord Claud J. Hamilton.
Mr. Maguire.	Colonel Tottenham.
Mr. Herbert.	Colonel Vandeleur.
Mr. Lefevre.	

Mr. *James R. Barry* further examined.

Hon. *Bouverie Primrose* examined.

The Committee deliberated.

Resolution of July 3rd, "That the order for the attendance of Professor Allman be discharged," read.—Motion made, and Question, "That the above resolution be rescinded"—put, and *agreed to.*

Hon. *Bouverie Primrose* further examined.

Professor *Allman* examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 8th July 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Colonel Annesley.
Mr. Cooper.	Mr. Bonham-Carter.
Mr. Herbert.	Mr. Maguire.
Mr. Lefevre.	Lord Claud J. Hamilton.
Mr. Hamilton.	Sir John Gray.
Lord Dunkellin.	Sir Henry Barron.
General Dunne.	Sir Graham Montgomery.

Preamble read, and *postponed.*

Clauses 1 and 2, *agreed to.*

Motion made, and Question, "That the Committee proceed by Resolution"—(Mr. *Lefevre*)—put, and *agreed to.*

Motion made, and Question proposed, "That it is expedient to remove all restrictions on the coast of Ireland, and within bays and estuaries, saving oyster fisheries, except so far as shall be hereinafter provided"—(Mr. *Blake*).—Amendment proposed, at the end of the Question, to add the words, "the said repeal to take effect one year after the passing of this Act"—(Mr. *Cooper*).—Question, That those words be there added—put, and *agreed to.*—Main Question, as amended—put, and *agreed to.*

Motion made, and Question proposed, "That the management of the sea coast fisheries (Ireland) be vested in a distinct and independent Board"—(Mr. *Kavanagh*).—Amendment proposed to leave out from the word "Fisheries," to the end of the Question, in order to add the words "be continued with the Board of Works"—(Colonel *Annesley*)—instead thereof.—Question, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 6.	Noes, 5.
Mr. Kavanagh.	Mr. Bonham-Carter.
Sir Henry Barron.	Mr. Shaw Lefevre.
Mr. Maguire.	Colonel Annesley.
Lord Claud J. Hamilton.	Mr. Herbert.
Sir John Gray.	Lord Dunkellin.
Mr. Hamilton.	

Main Question—put, and *agreed to.*

Motion made, and Question, "That it is desirable to combine the sea coast and inland fisheries under the one Board"—(Mr. *Kavanagh*)—put, and *agreed to.*

Motion made, and Question proposed, "That it is not expedient that the Board should have power to frame bye-laws prohibiting or restricting the sea coast fisheries of Ireland"—(Mr. *Lefevre*).—Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Board, subject to the approval of the Lord Lieutenant in Council, shall have the power after due inquiry of making bye-laws for the regulation of the sea fisheries"—(Colonel *Annesley*)—instead thereof.—Question, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 3.	Noes, 8.
Mr. Bonham-Carter.	Mr. Kavanagh.
Mr. Shaw Lefevre.	Sir Henry Barron.
Lord Dunkellin.	Colonel Annesley.
	Mr. Maguire.
	General Dunne.
	Lord Claud J. Hamilton.
	Mr. Herbert.
	Sir John Gray.

Words added.—Amendment proposed, at the end of the Question to add the words, "Provided always that no such bye-laws shall be in extension of any prohibition now existing

existing by authority of the present Commissioners of Fisheries"—(Mr. *Lefevre*).—Question, That those words be added.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Bonham-Carter.	Mr. Kavanagh.
Mr. Shaw Lefevre.	Sir Henry Barron.
Colonel Annesley.	Mr. Maguire.
Mr. Herbert.	General Dunne.
Lord Dunkellin.	Sir John Gray.

Whereupon the Chairman declared himself with the Ayes.

Main Question, as amended, put, and *agreed to.—Resolved*, That the Board, subject to the approval of the Lord Lieutenant in Council, shall have the power, after due inquiry, of making bye-laws for the regulation of the sea fisheries, provided always that no such bye-laws shall be in extension of any prohibition now existing by authority of the present Commissioners of Fisheries.

Motion made, and Question put, "That the Committee approve of the principle expressed in the Bill respecting the granting of loans on approved security to assist and encourage the fishermen"—(Mr. *Kavanagh*).—The Committee divided:

Ayes, 8.	Noes, 3.
Mr. Kavanagh.	Sir Graham Montgomery.
Sir Henry Barron.	Mr. Bonham-Carter.
Colonel Annesley.	Mr. Shaw Lefevre.
Mr. Maguire.	
Lord Claud J. Hamilton.	
Mr. Herbert.	
Sir John Gray.	
Lord Dunkellin.	

Motion made, and Question put, "That the Committee approve the principle contained in the Bill, of granting loans for the planting and cultivation of oysters, and that the limited owner shall not, until all instalments are paid, have the power of disposing of or separating the oyster bed from the estate forming the security for the loan"—(Lord *Dunkellin*).—The Committee divided:

Ayes, 4.	Noes, 6.
Sir Henry Barron.	Sir Graham Montgomery.
Mr. Maguire.	Mr. Kavanagh.
Lord Claud J. Hamilton.	Mr. Bonham-Carter.
Lord Dunkellin.	Mr. Shaw Lefevre.
	Colonel Annesley.
	General Dunne.

[Adjourned till Wednesday next, at Twelve o'clock.

Wednesday, 10*th July* 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Mr. Maguire.
Sir Henry Barron.	Colonel Annesley.
Mr. Hamilton.	Mr. Clive.
General Dunne.	Colonel Vandeleur.
Lord Dunkellin.	Lord Claud J. Hamilton.
Mr. Bonham-Carter.	Mr. Lefevre.
Mr. Cooper.	

Motion made, and Question, "That the form of nets and size of meshes be regulated by bye-laws of the Board, framed after local inquiry, subject to such appeal as is herein provided"—(Sir *Henry Barron*)—put, and *agreed to.*

Motion made, and Question put, "That the distance of trawlers from herring and mackerel boats fishing with drift nets be regulated by the Board, subject to appeal"—(Sir *Henry Barron*).—The Committee divided:

Ayes, 3.	Noes, 3.
Sir Henry Barron.	Mr. Bonham-Carter.
Mr. Hamilton.	Lord Dunkellin.
Mr. Kavanagh.	General Dunne.

Whereupon the Chairman declared himself with the Ayes.

Motion made, and Question, "That long-line fishermen should be protected by rules of Board where they deem necessary"—(Sir *Henry Barron*)—put, and *agreed to.*

Motion made, and Question, "That the Board make regulations to oblige long lines to be so marked as to enable trawlers to avoid them"—(Colonel *Annesley*)—put, and *agreed to.*

Motion made, and Question, "That the Board of Management do consist of Three Members, one of whom shall be an engineer of not less than seven years' standing, which Board shall control the two distinct departments of the Sea Coast and Inland Fisheries"—(Sir *Henry Barron*)—put, and *agreed to.*

Motion made, and Question put, "That such inspectors shall be appointed as may be found necessary by the Board, to stimulate the fisheries, give information to fishermen, procure statistics, see the law carried out, settle disputes, suggest improvements, report on state of piers and harbours, and entertain applications for loans"—(Sir *Henry Barron*).—The Committee divided:

Ayes, 10.	Noes, 3.
Colonel Annesley.	Mr. Bonham-Carter.
Sir Henry Barron.	Lord Dunkellin.
Mr. Clive.	Mr. Shaw Lefevre.
Mr. Cooper.	
General Dunne.	
Lord Claud J. Hamilton.	
Mr. Hamilton.	
Mr. Kavanagh.	
Mr. Maguire.	
Colonel Vandeleur.	

Motion made, and Question, That the words "That such inspectors shall be officers of the coast guard"—(Mr. *Bonham-Carter*)—put, and *negatived.*

Main Question—put, and *agreed to.*

Motion made, and Question put, "That piers and harbours shall be repaired and kept in order by the Board, under the control of the Treasury, and power vested in the Board to take proceedings against counties regulating the same"—(Sir *H. Barron*).—The Committee divided:

Ayes, 2.	Noes, 10.
Sir Henry Barron.	Colonel Annesley.
Mr. Maguire.	Mr. Bonham-Carter.
	Mr. Clive.
	Lord Dunkellin.
	General Dunne.
	Sir John Gray.
	Mr. John Hamilton.
	Mr. Kavanagh.
	Mr. Shaw Lefevre.
	Colonel Vandeleur.

Motion made, and Question put, "That the Acts relating to the building, making, or improvement of piers and harbours shall be incorporated with this Act; and after the passing of this Act any works to be undertaken or carried out thereunder shall be undertaken and carried out by the Commissioners appointed under this Act, and that power be given to grand juries to make their contributions for such works in the same manner as advances may be made now under the Bridges (Ireland) Act."—The Committee divided:

Ayes, 5.	Noes, 5.
Sir H. Barron.	Colonel Annesley.
Lord Claud J. Hamilton.	Mr. Bonham-Carter.
Mr. Hamilton.	Lord Dunkellin.
Mr. Kavanagh.	General Dunne.
Mr. Maguire.	Colonel Vandeleur.

Whereupon the Chairman declared himself with the Ayes.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 12*th July* 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	General Dunne.
Colonel Vandeleur.	Lord Claud J. Hamilton.
Lord Dunkellin.	Mr. Bonham-Carter.
Sir Henry Barron.	Mr. Maguire.

The Committee proceeded with the Clauses of the Bill.

Clause 3, *postponed.*

Clause 4.—Amendment proposed, to leave out from the word "appoint" in line 27, to the word "officer," inclusive, in line 28, in order to insert the words "a Chief Commissioner of Fisheries, and such number of Commissioners or Inspectors and other officers"—(General *Dunne*)—instead thereof.—Question put, That the words proposed to be left out stand part of the Clause.—The Committee divided:

Ayes, 4.	Noes, 2.
Colonel Annesley.	Lord Dunkellin.
Lord Claud J. Hamilton.	General Dunne.
Mr. Kavanagh.	
Colonel Vandeleur.	

Further Amendments made.—Question put, That this Clause, as amended, stand part of the Bill.—The Committee divided:

Ayes, 5.	Noe, 1.
Sir Henry Barron.	General Dunne.
Lord Dunkellin.	
Lord Claud J. Hamilton.	
Mr. Kavanagh.	
Colonel Vandeleur.	

Clauses 5—13, amended, and *agreed to.*

Clause 14, amended.—Question put, That this Clause, as amended, stand part of the Bill.—The Committee divided:

Ayes, 3.	Noes, 2.
Sir H. Barron.	General Dunne.
Lord Claud J. Hamilton.	Colonel Vandeleur.
Mr. Kavanagh.	

Clauses 15—20, *disagreed to.*

Clauses 21—29, *agreed to.*

Clause 30, amended, and *agreed to.*

Clauses 31—35, *agreed to.*

Several new Clauses *added.*

[Adjourned till Friday next.

Friday, 19*th July* 1867.

MEMBERS PRESENT:

Mr. BLAKE in the Chair.

Mr. Kavanagh.	Mr. Lefevre.
General Dunne.	Colonel Annesley.
Mr. Hamilton.	Colonel Tottenham.
Sir John Gray.	Mr. Bonham-Carter.
Colonel Vandeleur.	Mr. Maguire.

Postponed Clause 3, *disagreed to.*

Preamble, *agreed to.*

Schedule, *agreed to.*

DRAFT REPORT proposed by the *Chairman,* read a first time, as follows:—

"1. Your Committee beg to report that they directed their inquiry to the following points:

"1st. The condition of the sea fisheries.

"2nd. Whether the restrictions imposed on particular modes of fishing were advisable.

"3rd. Whether the fisheries admitted of a greater development.

"4th. Whether the State could judiciously assist in developing the fisheries.

"5th. The desirability of regulations to facilitate the making of agreements between the owners of fishing craft and crews.

"6th. The judiciousness of vesting the chief authority with regard to the fisheries, in the Lord Lieutenant, and placing the general control and superintendence under a special Board.

"7th. The expediency of consolidating the several statutes relating to the fisheries.

"2. Your Committee selected from the large mass of witnesses suggested to them, those whom they considered best calculated, within a reasonable time, to afford the most reliable information on the official, scientific, commercial, and practical points involved in the inquiry.

"3. They had also the advantage of being able to refer to the Report and Evidence of the Commissioners of Inquiry into the Irish Fisheries in 1836; the Report and Evidence of the Royal Commission on Fisheries of 1866; and the Annual Reports of the Board of Works in Ireland on the fisheries for 20 years, and other important documents furnished by different witnesses.

"4. From the ample materials thus furnished, the Committee have been enabled to arrive at the following conclusions, on which are founded their several recommendations.

"5. With respect to—

"I. The Present State of the Fisheries.

"6. Your Committee consider that, taken as a whole, they are in a very depressed and declining condition.

"7. Out of 38 districts into which the coast is divided, 29 are reported by the coast-guard as either exhibiting no improvement or being declining, as regards the number of vessels, and boats, and crews. On a portion of the east and south-east coast an improvement has taken place for the last few years, owing to the large influx of herrings and mackerel, and a great impetus has been given to fishing enterprise in consequence, at the principal points from which herring and mackerel fishing is carried on.

"8. But around the other parts of the coast, with very few exceptions, there is the same lamentably downward tendency which since the famine has marked this branch of industry, although it appears undoubted that fish are as abundant as ever, the demand as great, and facilities of internal communication and means of reaching the English markets much increased. To the foregoing may be added the singular fact of the large importation into Ireland of descriptions of fish from Newfoundland and Scotland, with which the Irish coasts abound.

"9. The following figures speak forcibly of the deplorable decline that has taken place in this important source of industry.

The number of vessels and boats in 1846 amounted to -	19,883
ditto - - - in 1866 - - -	9,444
Showing a decrease, in 20 years of - - -	10,439

The number of men and boys engaged in fishing in 1846, amounted to - - - - - - - - -	113,073
Ditto, in 1866 - - - - - - - - -	40,663
Showing a decrease in 20 years of - - -	72,410

"Thus it will be seen that the fishing craft are less than half what they were 20 years ago, and the crews reduced by nearly two-thirds.

"10. In reference to this diminution, the Royal Commissioners on Fisheries, 1866, remark: 'The great decline in the number of fishermen we believe to be wholly due to the famine of 1848, and the subsequent emigration. They shared to the full extent in the sufferings of the famine; and as most of them become physically incapable of going to sea, it was frequently found that men were starving while fish was in abundance on the coast. In many parts of Ireland the fishing population has not yet recovered from the depression and ruin caused by the famine.'

"11. Although the diminution of the coast population, consequent on the famine and subsequent emigration, was relatively less than that which took place in the other portions of Ireland, still the decrease in the number of those following fishing pursuits was much beyond that of any other class. This has been accounted for by the large number who, either obliged by the pressure of want to part with their boats and gear or unable from the same cause to keep them in repair, were forced to abandon fishing pursuits, and were never afterwards in a position to resume them.

"12. The great field for industrious enterprise which the coasts of Ireland have always afforded, never adequately worked, even when the numbers engaged in the fisheries were nearly three times what they are at present, is of course much less so now by the diminished numbers who, with insufficient appliances, now follow the pursuit.

"II. The Restrictions on Fishing.

"13. The inquiries of your Committee on this point were chiefly directed to the subject of trawling in bays and estuaries.

"14. They found the prohibition against this mode of fishing extended to most of the bays and estuaries in which it could be successfully carried on.

"15. In making these prohibitions, the Board of Works appears to have been quite as much influenced by a desire to prevent contention between trawlers and those following other modes of fishing, especially the long-line fishermen, as from any conclusive evidence being afforded them that injury resulted to spawn from the action of the trawl. After hearing the best evidence, scientific and otherwise, that could be obtained on the subject, the Committee have been unable to arrive at a conclusion as to where fish, with the exception of herrings, deposit their spawn. There appears to them, however, to be good grounds for assuming that, even if a deposit of spawn is made in shallow waters by other fish besides herrings, that it takes place in such situations as not to be easily disturbed by the action of the trawl, and that, should it be even disturbed, that it is doubtful if the further development of the ova is arrested.

"16. Owing to the prevention of trawling in certain places, it appears that large quantities of fish frequenting bays and estuaries, and which can only be captured by that mode, are probably lost to the consumer.

"17. Your Committee therefore recommend that, in a year after the passing of the proposed Act, the regulations imposing restrictions on all modes of fishing, except oysters, should cease; reserving, however, to the Board, after due inquiry, and subject to the approval of and appeal to the Lord Lieutenant in Council, the power of making bye-laws to restrict that mode of fishing where deemed necessary, within bays and estuaries.

"18. The Committee recommend that Government should institute experiments similar to those carried out by the Scotch Fishery Board in the Frith of Forth, in order to ascertain whether other fish besides herrings deposit their ova in bays and estuaries, and, if so, whether in such situations as to be injured by the action of trawls.

"19. Your Committee recommend the enactment of bye-laws, after full inquiry—

"20. To regulate the distance that trawlers should keep from other craft engaged in drift-net fishing for herrings or mackerel.

"21. To regulate form of nets and size of meshes to prevent the destruction of undersized or immature fry.

"22. To prevent the gear of long-line fishermen from being wilfully injured, and to compel the latter to adopt precautions to enable persons engaged in other modes of fishing to avoid coming in contact with their lines.

"III. Whether the Fisheries admit of being further developed.

"23. Your Committee believe they might be to a very large extent.

"24. For this purpose, however, larger and better-found boats would be required than generally exist at present, and the formation in some places of harbours and landing slips. Numbers of fishermen in different localities, on the approach of rough weather, are obliged to put back, either from an apprehension of their craft being too small and frail to remain out with safety, or that risk would be incurred in attempting, during tempest, to enter the unsafe harbour or creek to which they might belong.

"25. As

" 25. As loans to fishermen to enable them to procure better boats will be dealt with hereafter, your Committee now confine themselves to recommending that greater encouragement should be given to grand juries to assist in the construction and improvement of fishery piers and harbours, by rendering the contribution by the baronies interested payable by instalments.

" 26. The oyster fisheries appear to be capable of being developed to a very large extent. Your Committee recommend, with a view to encourage the cultivation, that that portion of Act of last Session prohibiting the granting of licenses below low-water mark to others than the owners and occupiers of the adjoining land, without the consent of the latter, should be repealed, and that permission, after due inquiry, be given by the Commissioners, subject to the approval of and appeal to the Lord Lieutenant in Council, to grant licenses to other parties beyond low-water.

" IV. Whether the State could aid judiciously in developing the Fisheries.

" 27. Your Committee consider that the depressed state of the fisheries is mainly owing to the inability of a large portion of the coast population to follow the pursuit in a manner calculated to ensure success. The advances made by " The Society for improving the Condition of the Poor of Ireland " to fishermen to procure boats and gear, appear to have done much good, and to have been all repaid; assistance of a similar character by a private individual in the west of Ireland appears also to have proved most beneficial, and to have left no loss to the lender.

" 28. The Inspecting Commissioner of Fisheries bore testimony to the benefits which resulted under the former system of loans, and warmly recommended their renewal. The Commission of Inquiry of 1836 (of which he was a member) also strongly urged the continuance of the system. The late Inspector of Fisheries, now the present Secretary to English and Irish Inland Fishery Commissions, an officer of great intelligence and experience, also advocated the desirability of loans as the best means of resuscitating the fisheries. Other reliable witnesses deposed to the same effect; and all bore testimony to the peaceable, industrious, and honest disposition of the coast fishermen.

" 29. Your Committee therefore have no hesitation in strongly recommending that loans should be given on satisfactory security to fishermen, to be applied for the purchase or repair of boats and gear, as one of the best means of improving the fisheries.

" 30. Your Committee also recommend loans, on satisfactory security, for the erection of curing houses and other buildings for fishery purposes, and for the construction and improvement of harbours in such instances as the Board might not consider itself justified in granting a subsidy from the public funds.

" 31. As it appears from evidence that it frequently occurs that places resorted to formerly by large shoals of fish have been abandoned by them for other feeding grounds, owing to the exhaustion or disappearance, from unknown causes, of the mollusca affording food.

" 32. Your Committee recommend that Government should adopt means of ascertaining whether desirable fishing grounds, not now availed of, exist within convenient reach of the coast.

" 33. They also recommend that, if the branding system be continued in other parts of the kingdom, that it should be extended to Ireland, as the Irish herring curers are now placed at considerable disadvantage by not having the benefit of the brand to facilitate their sales in Continental markets, possessed by the Scotch curers.

" V. Agreements between Owners of Fishing Craft and Crews.

" 34. Your Committee recommend, as most desirable for the interest of both parties facilities being afforded for entering into voluntary agreements of a simple character at a nominal expense.

" VI. Central Authority, and Board of Control and Management.

" 35. Your Committee recommend that the central authority with regard to the fisheries should be vested in the Lord Lieutenant, and, considering the onerous duties devolving on the Board of Works, are of opinion that it ought to be relieved from the management of the fisheries, more particularly as, in the event of the suggestions offered in this report being carried out, largely increased duties should be imposed on a department which appears to be already overworked, as regards the Chairman, Commissioners, and chief officers.

" 36. Your Committee therefore recommend as advantageous to the public service, and conducive to the interests of the fisheries, that they should be placed under a special Board, consisting of three Commissioners, having under them as many inspectors as may be found necessary; and further recommend, that as the period for which the special Commissioners of Inland Fisheries were appointed will expire next year, that the management of the inland fisheries should be combined with that of the sea fisheries.

" 37. A

"37. A Board such as that now suggested, possessed of sufficient powers, having adequate means, and composed of competent Commissioners (more particularly should it have the great advantage of having for one of them a gentleman possessing the high character, ability, experience, and zeal for the promotion of the fisheries of the present Inspecting Commissioner, Mr. Barry), would, in the opinion of the Committee, be enabled to resuscitate this sadly decaying and much neglected branch of industry, and at a cost to the State very trifling, when compared to the advantages which it is anticipated would result; place this important national resource on a basis which would secure to the public an increased quantity of wholesome and agreeable food; help materially to remove one of the chief causes of emigration and discontent, by affording largely increased employment, and prove a valuable nursery for the Royal naval and mercantile marine.

"VII. The Consolidation of the Acts relating to the Fisheries.

"38. Your Committee consider this would be most advisable, and that the Act 26 & 27 Vict. c. 114, relating to the salmon fisheries, should be also embodied therein; and further recommend that all the powers now possessed by the Board of Works for making grants for piers and harbours for fishery purposes, and constructing and maintaining same, under the several Acts passed for such purposes, should be transferred to the proposed 'Board for the Superintendence and Management of the Sea Coast and Inland Fisheries of Ireland.' Your Committee recommend this as most advisable; and further recommend, that all Acts empowering the Board of Works to make grants for piers and harbours for fishery purposes, and to construct same, should be transferred.

"39. In conformity with the foregoing recommendations, your Committee have amended the Bill referred to them for consideration, which they also beg to present with this Report, and most earnestly urge on the Government the policy of introducing a measure as soon as possible to carry into effect the suggestions now offered, as being calculated not only to benefit Ireland, but to add considerably to the wealth of the kingdom."

DRAFT REPORT proposed by General *Dunne*, read the first time, as follows:—

"1. Your Committee have examined several witnesses on the subject of the Sea-coast Fisheries of Ireland, and now present the evidence to the House, together with the draft of the Bill which has been referred to them for consideration.

"2. Your Committee fear that, at this late period of the Session, there is little hope of any Bill passing the present Session, and therefore strongly recommend that the subject should be taken up by the Government, with the view of bringing in a Bill early in the next Session. It appears that the suggestions contained in the amended Bill now returned to the House, together with the evidence which accompanies this Report, and the copious evidence to be found in the Reports of former Commissions, and those of the Irish Commissioners of Fisheries, furnish abundant materials for legislation, and, your Committee submit, also prove incontrovertibly that the subject is one well worthy of the attention of the Government, as materially affecting a hitherto neglected branch of industry in Ireland, and one which is capable of being made a source of wealth to that country, and supply to the wants of a great part of the empire.

"3. Various opinions have been given as to the decrease of the quantity of various kinds of fish on the Irish coast, and there can be no doubt that, as in Dublin Bay, haddock, and elsewhere other species of fish, have either temporarily or permanently deserted certain harbours and bays; but it does not seem proved that on the whole Irish coast the quantity of fish is less than at any former period to which your Committee can refer. Fish seem to come and go in various places without any assignable cause being known to the most experienced fisherman; and this uncertainty of supply of fish naturally renders this species of industry more precarious than others, for at one time there seems to be a glut of fish exceeding the power of capture, at another time insufficient to support the persons engaged in it.

"4. On the eastern coast especially, the herring fishery has, within the last few years, increased to a remarkable extent, and already at Howth a large fleet of boats not only from Ireland, but even in greater numbers from England, renders the trade in herrings at that port of considerable importance; and we find this fishery also extends along the whole coast in a considerable degree from Curlingford to Waterford.

"5. On the other coasts, the fisheries are rather engaged in the capture of ling, mackerel, flat fish, and other kinds of fish, all of which are said to be abundant along the entire southern, and western, and north littoral of Ireland.

"6. The reasons which have affected the prosperity of the fishing trade in Ireland have engaged the attention of your Committee; and all the evidence produced attributes the present depressed condition of those employed in it to their poverty, which prevents the fishermen building boats of sufficient size, and obtaining proper nets and gear; and in some places it also appears that the want of proper piers and landing-places for the protection and convenience of those employed in this trade are much wanting.

" 7. It is suggested to your Committee, that loans to supply the wants which oppress the fishermen, and prevent their pursuing their calling, might be made by the Government; and the success of a Benevolent Society for this purpose, conducted by Mr. Andrews with great success, and without any loss, encourages this idea. It appears to your Committee that such loans might be made with safety by the Government, if conducted on the same principles, and on security approved by local authorities.

" 8. Loans for the erection of piers and jetties have also been recommended, and, if well selected and properly built, will afford security and valuable assistance to fishermen; the repayment of advances for these purposes, it is stated, can be obtained by moderate dues, to be levied on boats frequenting them, and a rate on the neighbouring locality benefited by their proximity. At present, the maintenance of piers already erected was transferred by the 16 & 17 Vic. c. from the Board of Works to the grand juries of the littoral counties, and the expense of maintenance from the consolidated fund to the county rates. As it is clear that, except in the immediate neighbourhood of these piers, there is no interest to induce the county authorities to keep them in repair, and they are accordingly stated to be in a ruinous state, your Committee suggest that, by means of fees (which must, however, be moderate), on the boats frequenting them, and a rate on the locality which may be benefited by them, the means for their repair would be supplied.

" 9. The duties of Commissioner of Fisheries seem to your Committee to require the entire attention of the officer who holds them; they therefore consider that in any future appointment, whether the said Commissioner be a member of the Board of Works or not, his duties should be confined to the superintendence and subjects connected with fisheries. They also consider that both superintendence of the sea coast and inland fisheries should be placed under the same Commissioners, and that a sufficient number of inspectors and other staff be appointed to carry out the purposes of the Act, and whatever assistance can be afforded by the coast guard, is desirable.

" 10. Your Committee, in conclusion, have to remind the House, that the term of the present Commissioners will expire in 1868, and that it will be necessary, at the earliest period, to make some provision for appointing their successors."

Draft Report proposed by Mr. *Kavanagh*, read the first time, as follows:—

" 1. Your Committee, in considering the Sea Coast Fisheries (Ireland) Bill, have examined many witnesses, and looked into copious evidence elicited by previous Commissions appointed to inquire into the same subject, and after a careful consideration of the information thus derived, they beg to submit the following remarks:—

" 2. Your Committee consider that on the whole there has been a decided, though slight, improvement on the Irish fisheries within the last two years, but that this improvement has been entirely confined to the east and south-east portions of the coast, chiefly owing to the increase of the herrings in those localities; on the other portions of the coast, they regret to state that the fisheries are on the decline, the main reasons for which are the want of means efficiently to carry them on.

" 3. They consider the question of the encouragement of these fisheries as one of great national importance—

" 1st. As a means of affording remunerative employment to the inhabitants of the coast.

" 2nd. As providing a certain and wholesome supply of food for a large portion of the population.

" And 3rd. As constituting a valuable nursery for both the naval and mercantile service.

" 4. These, your Committee consider, are amply sufficient reasons to warrant them in recommending the subject to the consideration of the Government, and in expressing the hope that, should this Bill be too late to pass into law this Session, they will undertake to legislate upon the subject in the ensuing one.

" 5. Your Committee having thus far ventured to express their general opinion as to the main intention of this Bill, beg leave now to offer a few remarks upon the several clauses in detail.

" 6. With regard to Clause 3, they consider that the repeal and consolidation of all the Acts referred to therein would be of great advantage.

" 7. To Clause 4 your Committee have given very earnest consideration, and in conveying their opinion of the course they would recommend to carry out with advantage the provisions therein contained, they feel most anxious to avoid the slightest expresssion which could be interpreted to impute either slight or censure to the present Board of Works, in whom the management of the sea coast fisheries is at present vested, but they cannot disregard the evidence before them as to the variety and importance of the numerous functions they have now to discharge, and to the fact that the fishery questions have

have often had to give place to other considerations of a more pressing kind, added to which they have had to bear in mind that, should this Act pass into law, the duties relating to the sea coast fisheries would be very materially increased, both as to the variety and importance of the questions they would be called upon to consider.

" 8. Your Committee, after duly considering these various circumstances to which they have referred, and without losing sight of the desirability of incurring no more extra expense than should be absolutely necessary, are of opinion that it would be most desirable to amalgamate the sea coast and inland fisheries under one Board, to consist of three Commissioners, one of them to be an engineer of not less than seven years' standing, and a sufficient number of inspectors, not less than four, with secretary and other officers necessary to perform the duties of the combined Boards. Your Committee beg leave also to remind the House, that the term of the present Commissioners of Inland Fisheries will expire in ensuing year, when it would be necessary to appoint their successors, even should this Act not come into operation.

" 9. Of the provisions in Clauses 5, 6, and 7, detailing powers and duties of Commissioners and Inspectors, they approve, as necessary for the purposes of this Act.

" 10. Of Clauses 8 and 9, relative to the proper registering of boats and vessels engaged in the fisheries, they also approve as advisable.

" 11. Clauses 10 and 11 they consider as most essential. They have had before them evidence of an unquestionable character, that, as the law now stands, the crew of a fishing boat can leave her at any place or time, thereby occasioning considerable loss and inconvenience to the owner; this they believe offers a great impediment to the extension of the fisheries, by deterring private enterprise from embarking in them; and your Committee submit that the adoption of the provisions in these clauses would be as much for the advantage of the men as their employers.

" 12. Clause 12 is one relative to which your Committee have received evidence of a more conflicting nature than any other, and they have consequently had considerable difficulty in arriving at a conclusion as to what they would recommend. After a patient consideration of these varied and often contradictory statements, they agree on the whole with the opinion expressed by the Royal Commissioners, as given in their Report of 1866, *i. e.*, that restrictions were unadvisable, save and except so far as might be requisite for the preservation of peace among the fishermen, and the protecting the rights of each from unfair aggression. To carry out this object, although they recommend the repeal of all existing restrictions, they consider it advisable to invest the Commissioners of the Board with the power to frame such bye-laws (subject to appeal) as they deem sufficient.

" 13. Clause 13. Your Committee recommend the transfer of all powers vested in the Board of Works, with respect to oyster fisheries, to the Commissioners appointed under this Act. The principles expressed in Clause 14 they approve as calculated to encourage the formation of new oyster beds.

" 14. Clauses 21 to 26 inclusive, they approve of, as necessary for the purposes of this Act.

" 15. Clause 30 your Committee regard as the most important part of the Bill, and one to which they have endeavoured to give the consideration and attention which so grave a question seemed to them to demand; they have already expressed their opinion as to the importance of encouraging, in every possible manner, the sea coast fisheries of Ireland. In forming the opinions which they now beg leave to submit, they have not lost sight of the fact that they would not be justified in recommending the adoption of any scheme which would incur ultimate loss to the State.

" 16. The clause contains five sections, each referring to different subjects, which they are obliged, from variety of their nature, to treat separately. Section 2 refers to loans for erection of piers, cleaning and dredging of harbours, and formation of boat slips; these they consider most desirable objects, and with this view they recommend to extend to the new Board the powers now vested in the Board of Works by the Piers and Harbour Act; but inasmuch as that Act requires that before a grant can be made under its provisions a fourth of the sum sought for must be subscribed by the district in which the works are to be constructed, and as in some districts where such works are especially needful, the impossibility of obtaining the required moiety by subscription virtually proscribes that district from the benefits of the Act, your Committee recommend the further extension to this new Board of power to apply the principle of the provisions in the Bridges Act (Ireland) to the formation of such works, thereby enabling the grand jury of the county to take action in the matter, and to charge the repayment of the sums so advanced upon the cess of the barony or district, in proportion to the benefit conferred. By this means they consider immense advantages would be afforded to many of the poorest districts, in facilitating the construction of boat slips, which would be a real boon to that class of fishermen (by far the most numerous on the west and north-west coast) who use the curragh for fishing purposes; and, by affording to them means of escape from the sudden and severe gales so common in those districts, encourage them more diligently to engage in fishing. Upon this point your Committee have received valuable and trustworthy evidence from practical men well acquainted with those localities.

 " 17. Section

" 17. Section 3 treats of loans to be made to fishermen who can produce security, for the purpose of building and repairing boats, and purchase of gear. In strongly recommending this subject to the serious consideration of the Government, your Committee do not feel that they are advancing any new principle; they have the precedent of the former system of bounties before them, and the evidence of the great advantages it conferred; they have the example of the liberal policy pursued by the Government for many years in encouraging the Scotch fisheries by loans and grants; they have had before them the proceedings of a charitable society which has had for its main object the granting of loans to assist and encourage poor fishermen, and they have had the evidence of its manager as to the punctuality of the repayments, and the benefits it conferred; and were it not that your Committee are fearful lest they should exceed the proper limits of a Report, they would with confidence refer to the suggestions of the Morpeth Commission in 1836, and to the numerous other evidences and recommendations, all advancing the same principle, to which their attention has been drawn. On the other hand, they cannot but regard as sad, but as important evidence, the Report of the Deep Sea and Coast Fishery Commissioners, Ireland, for 1866, which shows a diminution within the last 20 years of 10,583 vessels, and 52,127 men and boys employed in the Irish fisheries, as well as the returns from the 38 coast-guard districts on the Irish coast, 23 of which report the fisheries declining, the chief reasons being want of capital, bad boats and gear, which, if lost or damaged, the fishermen are unable to replace or repair; regarding then these facts to which they have alluded as proving undoubtedly that the system of granting loans would be most beneficial, they feel it is their duty to urge it as a very important point. The question of security is one on which it will most naturally have to depend, and difficult as it may appear at first to determine in such cases what kind of available security would be deemed sufficient, they have little doubt that through the means of local committees and the collateral securities of the wealthier inhabitants of the districts, who, from their knowledge of the character and circumstances of the applicants, may be willing to answer for them, a satisfactory solution can be arrived at. In conclusion, upon this subject your Committee would merely remark that it is only to those who can give *bonâ fide* security they would recommend loans to be advanced.

" 18. Clauses 31, 32, 33, and 34 refer to legal proceedings, all of which they consider as necessary for carrying out the provisions of this Bill.

" 19. Clause 35 they consider a very necessary and proper provision.

Motion made, and Question put, That the Draft Report proposed by Mr. Kavanagh, be now read a second time, paragraph by paragraph.—The Committee divided:

Ayes, 2.	Noes, 6.
Mr. Kavanagh.	General Dunne.
Mr. Hamilton.	Sir John Gray.
	Colonel Vandeleur.
	Mr. Lefevre.
	Colonel Annesley.
	Colonel Tottenham.

Motion made, and Question proposed, That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph.—Amendment proposed to leave out the words " the Chairman," in order to insert the words " General Dunne "—instead thereof.—Question put, That the words proposed to be left out stand part of the Question.—The Committee divided:

Ayes, 5.	Noes, 3.
Mr. Kavanagh.	General Dunne.
Sir John Gray.	Mr. Hamilton.
Mr. Lefevre.	Colonel Vandeleur.
Colonel Annesley.	
Colonel Tottenham.	

Main Question put, and *agreed to.*

Draft Report proposed by the Chairman, read a second time, paragraph by paragraph.

Paragraph 1, amended, and *agreed to.*

Paragraphs 2 and 3, *agreed to.*

Paragraph 4, amended, and *agreed to.*

Paragraph 5, *disagreed to.*

Paragraphs 6, 7, 8, amended, and *agreed to.*

Paragraph 9, amended.—Amendment proposed, at the end of the paragraph, to add the words " A very small portion, however, of the numbers (40,000 men and boys) included

included in this return are fishermen in the true sense of the term. The greater number are small farmers who are only occasionally occupied in fishing, and who do not send to the markets any regular supplies of fish"—(Mr. *Lefevre*).—Question put, That those words be there added.—The Committee divided:

Ayes, 2.	Noes, 8.
Mr. Lefevre.	Mr. Kavanagh.
Mr. Bonham-Carter.	General Dunne.
	Mr. Hamilton.
	Sir John Gray.
	Colonel Vandeleur.
	Colonel Annesley.
	Colonel Tottenham.
	Mr. Maguire.

Paragraphs 10, 11, amended, and *agreed to.*

Paragraph 12, *disagreed to.*

Paragraph 13, *agreed to.*

Paragraphs 14, 15, 16, amended, and *agreed to.*

Paragraph 17, amended.—Amendment proposed, at the end of the paragraph, to insert the words, "Your Committee, however, consider it desirable that no such future bye-laws should be in extension of the restrictions now existing under the bye-laws made by the authority of the present Commissioners of Fisheries"—(Mr. *Bonham-Carter*).—Question put, That those words be there added.—The Committee divided:

Ayes, 3.	Noes, 5.
Colonel Annesley.	Mr. Kavanagh.
Colonel Tottenham.	Mr. Hamilton.
Mr. Bonham-Carter.	Sir John Gray.
	Colonel Vandeleur.
	Mr. Maguire.

Paragraph, as amended, agreed to.

Paragraph 18, amended, and *agreed to.*

Paragraphs 19, 20, *agreed to.*

Paragraphs 21, 22, amended, and *agreed to.*

Paragraphs 23, 24, *agreed to.*

Paragraph 25, amended, and *agreed to.*

Paragraph 26, *agreed to.*

Paragraphs 27, 28, amended, and *agreed to.*

Paragraph 29, *agreed to.*

Paragraph 30.—Amendment proposed, at the end of the paragraph, to insert the words, "Your Committee are, however, of opinion that the source from which such loans should be derived should not be the public funds, but rates to be levied on the districts benefited"—(Mr. *Bonham-Carter*).—Question, That those words be there added—put, and *negatived.*

Paragraphs 31, 32, amended, and *agreed to.*

Paragraph 33, *agreed to.*

Paragraphs 35, 36, *disagreed to.*

Paragraph 37, amended, and *agreed to.*

Paragraph 38.—Amendment proposed, to leave out from the word "therein," to the end of the paragraph—(Colonel *Tottenham*).—Question put, That the words proposed to be left out, stand part of the paragraph.—The Committee divided:

Ayes, 2.	Noes, 3.
Mr. Kavanagh.	Sir John Gray.
Mr. Maguire.	Colonel Vandeleur.
	Colonel Tottenham.

Paragraph, as amended, *agreed to.*

Paragraph 39, *agreed to.*

New clause *added.*

Report, as amended, *agreed to.*

Ordered, To Report, together with Minutes of Evidence and Appendix.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during absence from Home.	Total Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
James Dombrain -	Knight - -	Dublin - -	6	5 13 6	6 6 –	11 19 6
William Andrews -	Army Agent -	South of Ireland.	9	8 – –	9 9 –	17 9 –
Wallop Brabazon -	Captain - -	Dublin - -	3	5 7 6	3 3 –	8 10 6
John Good - -	Owner of Trawl Boats.	Dublin - -	4	5 9 9	4 4 –	9 13 9
Robert Savage - -	Farmer - -	Balmullet, Co. Mayo.	9	9 16 –	4 14 6	14 10 6
Abraham Stephens -	Fishing Boat Owner.	Duncannon, Co. Wexford.	5	8 – –	5 5 –	13 5 –
Hon. Bouverie Primrose	Secretary to Scotch Fishery Board.	Edinburgh -	3	7 5 –	3 3 –	10 8 –
George Allman - -	Professor - -	Edinburgh -	4	6 – –	4 4 –	1 4 –
					Total - - £.	96 – 3

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MINUTES OF EVIDENCE.

Thursday, 30*th May* 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. Bonham-Carter.
Mr. George Clive.
Sir John Gray.
Lord Claud John Hamilton.
Mr. Herbert.
Mr. Kavanagh.
Mr. Shaw Lefevre.
Mr. Maguire.
Mr. Malcolm.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

Mr. EDWARD HORNSBY, called in; and Examined.

Mr. *E. Hornsby*
30 May 1867.

1. *Chairman.*] YOU are Secretary to the Board of Works in Ireland?—I am.

2. How long have you been connected with the Board of Works?—I have been connected with public works in Ireland for 30 years. I was appointed assistant secretary in 1847, and Secretary in 1849.

3. How long has the administration of the deep-sea fishery laws in Ireland been in the hands of the Board of Works?—Since the passing of the Act 1 & 2 Will. 4, c. 33, continued by the 5th and 6th of Victoria, chapter 106, which appointed the Commissioners of Public Works to be Commissioners for Fisheries in Ireland.

4. Before that time, how was the fishery department administered?—Before that time there was a special Commissioner appointed, associated with the Commissioners of Public Works, and two inspectors.

5. Was not the fishery department under what was called the Board of Inland Navigation, immediately before that time?—It was, previously to 1831. The Act of 1831 appointed the Commissioners of Public Works to be the successors of the Commissioners of Inland Navigation and Fisheries.

6. The administration of the fishery laws was transferred to your Board from the directors of inland navigation?—Yes.

7. And subsequently the Board were made Commissioners of Fisheries under the Act of 5 & 6 Vict. c. 106?—Yes.

8. Had they any fishery officers under that Act?—They had two inspectors.

9. The 2nd section gave them the power to appoint inspectors or other officers?—Yes.

10. Mr. Barry and Mr. Ffennell were the two first inspectors appointed?—They were.

11. When was Mr. Barry appointed, so far as you recollect?—I cannot say off-hand, because he was appointed before I was secretary to the Board; both Mr. Barry and Mr. Ffennell were appointed before I was secretary to the Board.

12. Those two gentlemen, also, had the charge of the inland fisheries of Ireland as well as the sea-coast fisheries?—Yes.

13. The inland and the sea-coast fisheries were combined in their first appointment?—Yes.

14. They were only inspectors, but they were subsequently made Inspecting Commissioners, with equal and co-ordinate powers as the Commissioners of Public Works?—Yes.

15. Previously to their being appointed as Inspecting Commissioners, they had to report to the Board, but they had no voice in the deliberations of the Board on fishery matters?—Just so.

16. Have not the Board exercised the power of altering the reports of these two gentlemen, if they did not entirely conform to the views of the Board, before they were presented to Parliament?—The Board have exercised the jurisdiction of striking out what they do not think important matter; they have exercised that power this year, in striking out a great many extracts from newspapers and other things, which do not bear upon the subject.

17. But it has occurred for some years back that the Report presented to Parliament contains the Report of the Combined Commissioners, and also contains the Report of the Inspecting Commissioners in a distinct form as well?—It does.

18. Has it not occasionally occurred, and did it not

Mr. *E. Hornsby.*
30 May 1867.

not occur last year, that certain views put forward by the inspecting Commissioners have been erased by the direction of the Board?—No, not views, but addenda to the Report, if I may so call them. As I have mentioned, there have been very lengthened extracts from the public press. They did not express their views of the inspecting Commissioners, but they expressed the views of the paper from which they were extracted; they were not original matter.

19. Mr. Barry stated to the Royal Commissioners that certain statements which he wished to appear in the Reports were taken out by the chairman without any consultation with him?—Mr. Barry can best answer that question.

20. The Reports presented to Parliament, as bearing the signatures of Mr. Barry and Mr. Ffennell, might contain the views of the Board, and not the views of the Executive Commissioners themselves?—I never knew the inspecting Commissioner, Mr. Barry, when alterations in his Report were pointed out to him, object to them; his invariable answer was that he bowed to the decision of the Board, whatever his private opinion might be.

21. Since Mr. Ffennell's retirement from the Board there has been only one inspecting Commissioner having a voice at the Board?—Yes.

22. Mr. Brady, when he was appointed inspector, had no voice at the Board?—No.

23. To your knowledge, have the Board ever altered any of the reports of Mr. Brady before they were presented to Parliament?—Not to my knowledge.

24. His office has not since been filled up?—No.

25. How often do the Board meet for the transaction of exclusively fishery business?—Whenever there is any occasion; there is no fixed time.

26. Have they not other and very important duties to transact?—A great many.

27. Will you state what are the duties of the Board?—They are Commissioners of Public Works, and they have a great many public Acts to administer, which I can hand in. They are also Commissioners for land improvement, for lake and river drainage, for inland navigation, for the Phœnix Park, for fisheries, and for piers and harbours.

28. Mr. *Shaw Lefevre.*] Are not the fisheries a very small portion of their business?—Not very small. They are also Commissioners to administer the Lunatic Asylums Acts, the Prisons Acts, the Maynooth College Acts, the Provincial Colleges Acts, the Dublin Hospitals, the Four Courts Acts, the Kingstown Harbour Acts, the Dunmore Harbour Act, the Donaghadee Harbour Act, the Limerick Harbour Acts, the Houth Harbour Acts, the Galway Harbour Acts, the Post Roads Acts, the Turnpike Roads Act, the Roads and Bridges Acts, the Sewage Utilization Act, 1865, the Local Government Act, 1861, the Tramways (Ireland) Acts, Loans for Erection of Dwellings for the Labouring Classes, the National Gallery of Ireland, and Railway Clauses Consolidation Acts.

29. *Chairman.*] Do you not think that the duties imposed upon the Board, irrespective of the fisheries, are quite sufficient to occupy the time of the present Commissioners?—I dare say that they are, but they also pay attention to the fisheries.

30. Practically there are only two Commissioners at present, Colonel M'Kerlie and Mr. Le Fanu; Sir Richard Griffith is nominally a Commissioner, but I believe he does not act?—No.

31. Sir *Henry Winston Barron.*] How many Commissioners are there altogether?—Two, and one inspecting Commissioner for fisheries.

32. But that inspecting Commissioner for fisheries does not interfere with the other duties of the Commissioners?—No.

33. *Chairman.*] As secretary to the Board, do you think that it is possible for these two gentlemen, consistently with their other duties, to devote sufficient time to a subject so vast in its details as the fisheries of Ireland?—I do.

34. In your opinion, and to your knowledge, has the supervision of the fisheries of late years been conducted with that activity which is essential to their full development?—No, we have not a sufficient staff to do it. The only disposable official for fishery business is the inspecting Commissioner, and he is very far advanced in years; and it is not possible for him to make the local inspections which would enable the Board to furnish statistical details so fully as they ought to be.

35. Since Mr. Brady has ceased to hold the office which he filled, has his place been supplied?—No.

36. Is Mr. Barry assisted by any officer?—Yes; he has an officer who goes with him whenever he holds meetings, to take notes, and to assist him generally.

37. What is the position of that gentleman at the Board of Works?—He is a senior clerk.

38. Is he specially attached to the Fishery Department?—No, but he has another clerk to assist him.

39. Has it occurred that that gentleman has occasionally held investigations himself?—Yes.

40. Who gave him authority for doing so?—The illness of Mr. Barry on the occasion.

41. Was he directed by the Board to do so?—Not to my knowledge; I think that it only occurred once.

42. Upon that occasion did he administer oaths to parties?—I cannot state that, but I will get the notes of the evidence which was taken at the meeting.

43. Did he make a return to you of his investigation?—He did, which I will supply.

44. Is any minute book of the proceedings of the Fishery Board kept?—There is.

45. Is it necessary for the Board to direct meetings to be held in the country, or is the inspecting Commissioner, Mr. Barry, competent of his own motion to direct meetings to be held, and to make inspections?—The Board give notices when a meeting is to be held in the country.

46. Mr. Barry cannot do anything without a meeting of the Board?—I think not.

47. There are 38 fishery districts in Ireland?—Yes.

48. Does Mr. Barry make a periodical visitation of each district?—No.

49. Is his going to visit any of them a rare occurrence?—No, he makes a recommendation to the Board that it is necessary that he should make a visit to a certain place, and it is acquiesced in.

50. But he does not make a regular inspection of each of those 38 fishery districts, and make a general report to the Board?—No.

51. Mr. *Kavanagh.*] What guides him?—The circumstances.

52. He does not wait for an application from the Board of Conservators?—We have nothing to do now with the inland fisheries.

53. *Chairman.*] Has the Commissioner who has held the meetings in all cases reported the result to the Board, and if he does not, do you consider it a part of your duty to call on him for it?—He, generally speaking, and I may almost say, as far as I have any cognizance, always reports the result of the proceedings.

54. A number of meetings were held last year to inquire into the effects of bye-laws made by the Board, prohibiting trawling. What has been the result of those meetings?—There were only three meetings held, I think, two in the north and one in Galway. The result of those meetings has been that no alteration of the law has been made pending expected legislation, following the Report of the Royal Commission on Sea Fisheries.

55. Have any reports been made on those meetings to the Board, and if so, can you give the Committee copies of those reports?—I will supply them.

56. Have the Board considered any of those reports, and has the result of their deliberations been recorded in any minute book, and if so, can you give a copy of those minutes?—Yes, if any resolution has been come to; but my opinion, speaking from recollection, is that the Board, pending the expected legislation on deep sea fisheries generally, deemed it inadvisable to make any alteration in the law.

57. I perceive by the reports of the Board presented to Parliament up to a very late period, that the complaints against trawling were gradually subsiding, and that they had not sufficient data whereon to express a decided opinion on the subject. But in their report dated 9th of June 1866, after the Report of the Royal Commissioners recommended the prohibitions on trawling to be removed, they say that all their own experience and investigations have led them to the conclusion that trawling should be prohibited in certain places. Do you know when the investigations took place to which the Commissioners refer, and whether there is any record of their deliberations on this subject between the date of that report and the one preceding, dated April 1865. The object of my question is this. In 1865 they distinctly state that they cannot give a decided opinion upon the subject of trawling without a practical investigation. In the Report of 1866 they report in very strong terms against the recommendation of the Royal Commissioners. I want to know whether those practical experiments were made, and upon what ground the Commissioners founded the decision to which they came?—No practical experiments were made, but they have been recommended in every late Report of the Commissioners. I think that you are referring to the report of the Inspecting Commissioner only, and that you will find that the Commissioners used a very guarded expression upon that point.

58. Will you state what the Commissioners say, and what the Inspecting Commissioner says?—In the Report of 1866 the Board of Commissioners say, "The question of trawling, which, however, in no case has been pressed on us, we have suffered to remain in abeyance, as we also did last year, pending the anticipated consideration by the Legislature of the general subject of the fisheries. Neither have we under the circumstances deemed it desirable to press for the appointment of the inspector and other officers, whose employment we last year recommended, but which we still continue to look upon as of the utmost importance." That refers to a recommendation in the Report of 1865.

59. On the subject of trawling?—Yes.

60. What does the inspecting Commissioner say?—I do not think that he says much about trawling in his last report. There is a paragraph here about trawling; it is more a comment as to the great powers with which the Commissioners are invested. He says, "Since the 10th of October 1842, 12 bye-laws against the use of trawl nets, within bays and harbours, and two bye-laws regulating the use of trammel nets, have been passed by the department. One of these for Dingle Bay was passed in 1852, and repealed in 1862. But the very trawlers themselves, in that district, now call loudly through, the coast guard, for a bye-law prohibiting trawling for six months in each year. It is quite true that we have been called upon to repeal or modify restraining laws in Belfast Lough, and Lough Swilly; and we have within the last year held meetings in both places, and received, as usual, very conflicting evidence; but in truth we have been reluctant to take any step either way, in the expectation that some covenant would have been made on the recommendation of the Royal Commissioners, now a considerable time before the public. We have already, in the joint report of last year, page 4, ventured to express dissent from the sweeping recommendations contained in that report. The existing state of uncertainty has proved most inconvenient, and should be terminated; people's minds are kept in a constant state of uncertainty; expectations are raised, and hopes held out, without any chance that they can be realised to the full extent, and disappointment must follow."

61. In the Report of the Commissioners for 1865, signed by Colonel M'Kerlie, Mr. Le Fanu, and Mr. Barry, they state, "The views of the Royal Commissioners in regard to the propriety of the removal of all restrictions on trawling, we feel it our duty to take this opportunity of expressing our dissent from, so far at least as relates to Ireland. The reports of former Commissioners of Inquiry, and we more especially allude to the very full and comprehensive report of 1835, and all our own experience and investigations have led us to the conclusion that, within certain limits, trawling is injurious to the interests of the fisheries at large." That report is signed by the three Commissioners, and it contains a strong dissent from the report of the Royal Commissioners?—Yes; but I think that it points out in what places trawling should be prohibited, and that is merely in shallow water, such as an estuary.

62. They say, "The views of these Commissioners" (that is the Royal Commissioners) "in regard to the propriety of the removal of all restrictions on trawling, we feel it our duty to take this opportunity of expressing our dissent from:" that is, in the Report for 1865?—It says, "In our Reports for 1863 and 1864, we adverted to the circumstance of our having thought it proper to hold over our decision on certain cases before us in reference to trawling, pending the inquiry in regard to the sea-coast fisheries of

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the United Kingdom, by the Royal Commissioners appointed in 1863. We have perused the report of that Commission lately published; but we still feel it inexpedient to deal with the cases referred to, awaiting the decision of the Government and the Legislature with respect to the recommendations made in that report. The views of these Commissioners, in regard to the propriety of the removal of all restrictions on trawling, however, we feel it our duty to take this opportunity of expressing our dissent from, so far, at least, as relates to Ireland." Then it goes on to say, "The reports of former Commissioners of Inquiry, and we more especially allude to the very full and comprehensive Report of 1835, and all our own experience and investigations, have led us to the conclusion that, within certain limits, trawling is injurious to the interests of the fisheries at large; and in this opinion we are supported by all persons in this country, scientific as well as practical men, who have disinterestedly directed their attention to the subject. Fish of all kinds, it is well known, approach the shores for the deposition of their spawn, each species at its appointed season; and there can carcely be a doubt, we think, as to the advisability of their being left undisturbed during that period, as well as of protecting the young and immature fish which remain for a certain time on or or near the spawning beds."

63. Mr. *Shaw Lefevre.*] What is the date of that report?—It is the Report for 1865.

64. That, I suppose, was published very shortly after the Report of the Royal Commissioners?—Yes.

65. *Chairman.*] Will you take up the report immediately preceding that, and state what was the opinion of the Commissioners, as there expressed, as to trawling?—I have not that report.

66. Will you take into your hands the reports for 1865 and 1866, and refer to the first page of each. In the Report for 1865, the following paragraph occurs: "During the past year, the condition and progress of these fisheries continue to exhibit, on the whole, a manifest and decided improvement, as compared with their state a few years back"?—Yes.

67. The first paragraph of the report for 1866, which was furnished to Members this morning, says, "The progressive improvement in the condition of these fisheries which we had last year the satisfaction of recording, we have now again the pleasure of stating has continued to be manifested during the past year"?—Yes.

68. Upon what data do the Commissioners found that statement; has there been an increase during those two years of boats and men, and has there been an increase in the capture of fish?—Yes.

69. Those paragraphs, I presume, refer to the whole of Ireland?—I do not say that they do, because immediately afterwards there are some explanatory remarks which apply to the eastern coast. But the return of 1866 shows that there is an increase, compared with 1865, of 2,395 tons in the quantity of fish carried by the railways. It is upon those data, and the general inquiries of the Commissioners on the subject of fisheries, that the report is made.

70. Is not that increase greatly in the herring fishery upon the eastern coast?—It is mainly in the herring fishery, and in cod and ling.

71. Are the salmon included in that gross total?—Yes.

72. Are you not aware that in those districts occupied by railways salmon have increased 75 per cent., as compared with salmon a few years ago?—I have not extracted the salmon from the gross total, but I find that 383 tons of salmon were conveyed during the year 1866 by the Southern and Western Railway.

73. Is not the produce of the salmon in tonnage printed?—The Commissioners merely return the quantity of salmon carried over the railways, because it was returned to them; but in their report they do not express any opinion upon the salmon fisheries generally.

74. But in some instances the return includes salmon?—Yes, and salmon have been included in that increase of 2,395 tons.

75. That shows salmon as well as sea fish?—Yes.

76. You have 38 fishery districts in all Ireland?—Yes.

77. In the Report for 1865 your Commissioners say, that on the whole the fisheries exhibit decided improvement. Out of the 38 districts 28 districts are stated to be declining, and only nine districts are stated to be improving; is not that the fact?—Yes.

78. I will take a few extracts from the headings in the Reports of the Commissioners. As regards those 28 districts, it is stated that in some of them the "boats and gear are on the decline," and that in others there is "no alteration in the boats and gear"?—Yes.

79. During 1865 will you state what was the decrease as compared with the preceding year?—In 1865 there was an increase over 1864.

80. How much was it?—There was an increase of 185 vessels and 312 men, and a decrease of 530 boys.

81. Taking the Report for 1866, what has been the decrease of vessels and crews?—There was a decrease of 11 vessels and 239 men, and an increase of 100 boys.

82. Is it upon these Reports that your Commissioners found their statements of the improvement?—I think that it is quite conformable with their statement that there may be 11 vessels and 239 men less in a portion of the fishery, but that the fishery in a great many other parts may have progressed and have been satisfactory.

83. On the eastern coast?—Yes.

84. Are you aware what the number of men and boys was immediately before the famine of 1845: it is contained in the Report of the Royal Commissioners, which I will hand to you?—19,983 vessels, and 93,073 men and boys.

85. How much was it at the period of the Report of the Royal Commissioners?—9,300 vessels; 37,416 men; and 3,530 boys.

86. Does not that show a decrease in the 20 years of over 10,000 vessels and over 50,000 of the crews?—It does; and I think that it is very easily explained.

87. How do you account for the decrease?—By the depression of the famine years, and the subsequent emigration which has been going on up to the present moment. The boats and gear and everything else have been deteriorated ever since the famine; the people have been getting poorer and worse off, and they have not been able to repair them.

88. Besides the fishermen who died during the famine, and those who emigrated, were there not a great number of fishermen left behind who were

were obliged to let their boats and gear get out of repair, and who were never afterwards able to fish?—I believe so.

89. Do you believe that there are a great many of the maritime population of Ireland who would resume fishing if they could be provided with the means?—I believe so.

90. Do you know what the result of the loans were under the former system?—My opinion would not be worth much, but that subject is very fully treated on in Lord Morpeth's Report, of either 1835 or 1836, which goes into the whole question. I was not connected with the department so far back as that.

91. Are you aware of the existence, in Dublin, of a society, entitled, "A Society for Encouraging the Industrial and Poorer Classes in Ireland"?—Yes.

92. Mr. Andrews is one of the directors of that society?—Yes.

93. Do you know the amount which they have at their disposal for the purpose of encouraging fisheries?—No, I never heard any of the details.

94. That society has lent, every year, to the extent of its means, in order to assist parties in getting boats and gear?—Yes, I have heard it very highly spoken of.

95. Has it not been productive of good?—Yes.

96. And do not some of the reports state that every farthing has been paid back in those cases?—I have never seen their reports.

97. Do you not think that if such a measure was carried out, it would be productive of the development of the fisheries in Ireland?—Decidedly it would.

98. Under the Act of the 5th and 6th of Victoria, did not your Commissioners get very extensive powers in fisheries?—Yes.

99. To what extent have they exercised those powers?—I think that they have exercised those powers to the fullest extent.

100. Is not the great principle which your Board have adopted that of non-intervention?—Yes, as regards restriction.

101. Has not the principle of your Board with respect to fisheries been from the commencement one of complete non-intervention?—No; the Board have invariably acted when called upon.

102. I mean non-intervention unless called upon; they have not initiated matters themselves?—No, unless something was especially brought under notice.

103. You have said that you cannot give us any detailed information with regard to trawling?—No.

104. You can give us no information as to the grounds upon which the Commissioners decided upon the statement contained in the report before they presented one?—No, except that the reasons are mentioned there; but I do not presume to offer any opinion of my own.

105. Is not your Board altogether under the control of the Treasury?—No; as regards fishery matters it is under the control of the Lord Lieutenant; we report to the Lord Lieutenant.

106. Supposing that there was any ground of complaint against the Board with regard to the fisheries, who would be appealed to, the Lord Lieutenant or the Treasury?—The Lord Lieutenant.

107. Are you sure of that?—Yes.

108. Upon occasions when I have asked the Chief Secretary why the report was not produced, he has told me that the department was entirely under the Treasury, and not at all under the Lord Lieutenant; that you were to report to the Lord Lieutenant, but that the control was under the Treasury?—I will give a case in point. There was an endeavour at Dingle to get a trawling regulation repealed; the Chief Secretary desired us to hold a meeting; we did so, and reported the result to him.

109. Is it not the fact that the Chief Secretary annulled the decision which was then come to?—No, it was confirmed. He has not the power to annul or to confirm; that rests with the Lord Lieutenant and the Privy Council. Every act of the Fishery Commissioners is liable to the review of the Lord Lieutenant and the Privy Council, and until it receives their sanction it has no effect.

110. Is it not the fact that the late Chief Secretary for Ireland, of his own mere motion, annulled your proceedings with regard to Sligo?—No, he did not.

111. With regard to oysters, can you state whether the licenses for oyster beds since the Act of last Session, mentioned in the Parliamentary Return, signed by you this year, have yet been delivered to the parties; and if not, the reason of the delay?—I really cannot answer that question from memory, but the Report of 1866, and the map which I have prepared according to your direction, show every oyster license which has been granted up to the present time, with the names of the parties, and the particulars.

112. In almost all the Reports of the Commissioners they complain that a most improvident dredging for oysters is carried out; have they done anything to prevent that improvident dredging for oysters?—I do not know what they could do, exactly.

113. Mr. *Shaw Lefevre.*] You were examined at some length before the Royal Commission in 1864?—Yes.

114. And you then gave a very long account of the nature of the Board, and its duties?—Yes.

115. And particularly the duties imposed upon it by the Act of the 5 & 6 Vict. c. 106, the Fishery Act?—Yes.

116. You also gave numerous extracts from the reports of the Board to Parliament?—Yes.

117. And those reports showed what the policy of the Board had been from the time when that Act was passed?—Yes.

118. Previously to that Act I think that the policy of the Government had been one rather of restriction than otherwise?—Yes.

119. Trawling was prohibited in most of the bays and shallow waters of Ireland?—

120. I will read you an extract from the report of the Commissioners, dated the first year after the passing of the Act; it is the first report of your Board after the passing of that Act?—I was not connected with it then.

121. It is at page 785 of the evidence taken before the Royal Commission. "The introduction of trawls and trammel nets has for years been regarded with great jealousy by the fishermen along the coast of Ireland, who felt inclined to continue their long established habits, or were unable to pursue the new system. Preceding Acts of Parliament so far conceded to their views as to admit of trawls and trammels to be used as an exception, that is, in such places only as might

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be formerly authorised. The present Act, however, is founded on a different principle, and makes the restriction on any mode of fishing in the sea the exception, and consequently admits of these implements being used everywhere, excepting where they shall be formally prohibited by a bye-law. The consequence has been applications to the Commissioners from several of the principal fishery communities on the coast to apply restrictions to their employment, or rather to prohibit them altogether in those several localities." From time to time, since you have been Secretary of the Board, have there been applications from different parts of Ireland for prohibiting trawling and other modes of fishing in the bays?—Yes.

122. And the practice of the Board was, to send their Inspecting Commissioner down to the place to hold an inquiry and to take evidence; and he then made a report to the Commissioners, and it was the duty of the Commissioners to carry out his report, or not?—Yes.

123. And there was an appeal from their decision to the Privy Council?—There was.

124. In accordance with that practice, have a considerable number of bye-laws been passed as to the fisheries in different parts of Ireland?—I think that there have been only eleven.

125. And there have been a great many inquiries, which have led to no result?—Yes.

126. Have there been any inquiries within the last two years?—Three meetings, I think, have been held.

127. Were those upon applications from the localities?—Yes.

128. Were they for the purpose of getting rid of restrictions already existing, or for the purpose of imposing further restrictions?—I think that they were on both sides. One wished to have trawling prohibited, and the other to have it allowed.

129. Where were those meetings?—One was in Belfast Lough, one in Lough Foyle, and one in Galway.

130. The Commissioners refused to act in that case?—Yes, expecting that legislation would follow the report of the Royal Commissioners.

131. By whom were those meetings held?—By Mr. Barry.

132. Has it been the practice of the other members of the Board to attend those meetings, or not?—Very seldom; their duties would not allow them to go to the country.

133. Then their knowledge of those proceedings is not very practical?—Yes, it is. Shorthand notes are taken of all those proceedings, and copies of them are laid before the Board, and acted upon.

134. But the other members of the Board have not attended personally to the inquiries, upon the spot?—Very seldom

135. Did they attend either of these three meetings?—They did not.

136. Have any inquiries, independent of inquiries on the spot, been directed by the Board into other cases where bye-laws existed?—Whenever there is a memorial, upon whatever subject connected with the fisheries, an inquiry is always instituted, and the result of that inquiry is reported to the Board.

137. Between the Report of the Royal Commission and the Report of your Commission, which you have read, has there been any report upon the general subject?—No.

138. Then, no information has been arrived at?—No.

139. Have you any reason to believe that an increase of fish has arisen from the existence of these bye-laws?—I have no particular information upon the point.

140. Have there been applications from time to time from these places to do away with these restrictions?—I do not remember, excepting the three cases which I have mentioned.

141. With respect to the diminution in the number of fishermen in Ireland, do you agree with the statement in the Report of the Royal Commission, that it was due to the Irish famine, and the results of it?—Yes.

142. That the young men had gone away, leaving the old men to fish?—Yes.

143. And that, consequently, they were not able to carry on their fishing as they were before a Irish famine?—Yes.

144. Then you do not think that it is due to a decrease of fish?—I do not.

145. Sir *Henry Winston Barron.*] Mr. Barry is the sole Inspector of Fisheries, properly so called?—Yes.

146. And therefore it was not natural, or proper, or to be expected, that the other Commissioners should go with him, or without him?—It was not necessary.

147. In fact he is appointed sole inspector of fisheries?—Yes.

148. And he reports to the Board?—Yes.

149. And they decide according to the evidence which he produces?—Yes; he acts co-ordinately with them.

150. When they made their Report in 1865, disagreeing with the Royal Commissioners on Sea Fisheries, with regard to trawling, they took, I suppose, the general opinion of Mr. Barry to guide them?—They took all the opinions which they could obtain; I, perhaps, might make one explanation at this stage of the proceedings: it seems to be the impression that in our department the Inspecting Commissioner and two clerks are the only body which is available for fishery business; it is not so; the whole department, both myself, the solicitor, the engineer, and anybody else, whose peculiar services may be required, are used; they are for the whole service of the department.

151. But practically Mr. Barry has the management of the Fishery Department?—Yes.

152. You say that you have not a sufficient staff to carry out an extensive inquiry, or to look after the management of the fisheries?—Yes.

153. That is your decided opinion?—It is.

154. How long have you been at the Board?—Since 1847.

155. You would recommend having an additional staff available for the Fishery Department?—For the executive, to visit all the fishing stations, to examine and report in detail upon their condition and prospects, and to afford any advice which may be necessary.

156. Mr. *Herbert.*] Can you tell me what reason the Dingle fishermen gave for asking that the trawling regulation should be repealed?—I think that the reason was that the trawling so for in the Bay destroyed the fish.

157. Can you state about the number of boats and men from Cornwall and the Isle of Man which frequent the Irish coast?—They will be found in page 32 of the Report for 1866.

158. Mr. Barry stated in his evidence before the

the Royal Commissioners, that he believed that the department was a species of an illusion, and that it was rather unfortunate that any fishery department existed at all. Can you state the reason why Mr. Barry came to that conclusion?—No; I think that he must give the reasons himself.

159. I see that in Mr. Barry's evidence before the Royal Commissioners, he stated that the Board's hands were so full of other matters besides the fisheries, that the Commissioners invariably found it difficult to procure a Board for the discussing of fishery subjects. I suppose that their hands are quite as full now, and that the same difficulty exists?—No; I should not consider that there is any difficulty.

160. Sir *John Gray.*] I understand you to state that after the famine year the number of fishermen decreased very much?—Yes.

161. You stated that that was partly owing to the emigration of the people, but more largely to the boats, and so on, having got out of gear, and the people not having the means of repairing them?—There was a great pressure after the famine, and the fishing vessels got out of repair, and year by year I think they have got worse and worse, and the people have not had the means of repairing them.

162. I think you stated that if they had the means of repairing them they were willing to return to the fishery?—Yes.

163. You made some allusion to the Industrial Society presided over by Mr. Andrews?—The Chairman did, but I know nothing of its details, except that I have heard that it has done a great deal of good, and has been very beneficial to the fishing interest.

164. Did you hear anything of the character of its details.—I cannot tell you anything of the nature of the security which it takes, or its *modus operandi*, for I never saw any published account of it.

165. Do not they lend money for purchasing boats, or purchasing or repairing gear?—I believe that they do.

166. And that is what you alluded to when you said that their operations were very beneficial?—Yes.

167. Have your Board any power of that sort?—No.

168. Do not you think that it would be beneficial to the country if they had?—I do not know that I am competent to give an opinion upon that point; if I said "No," you would ask me for my reasons, and I should say that in the bounties granted in 1831 there was a loss of about 13,000*l.*, all of which was given up, because the fishermen were too poor to pay for it.

169. I am not speaking of bounties, but of loans?—These were loans.

170. How do you reconcile that opinion with your opinion of the operations of Mr. Andrews's society, which you think has done a great deal of good?—I believe that that society has done a great deal of good; but the other fund I believe has also done a great deal of good.

171. What, in your opinion, would be the increase of the fishery from such loans being granted?—I think that it would be advantageous.

172. Is it the fact that there is no fishery Board in the three kingdoms which has a fund at its disposal for that purpose?—Not that I am aware of.

173. There is no annual grant for such purpose?—Not that I am aware of.

174. On the whole, do you think that it would be useful to the fisheries if there was an establishment which could lend money to these parties who are ready to go and fish, that money being lent on proper security?—Yes, I think that it is all a question of security.

175. Supposing that any difficulty as regards that point could be got over, do you think that it would be of great service to the fishermen in promoting fishing?—Yes.

176. You at present lend a great deal of money on land and on public works?—We do.

177. You find no difficulty in recovering that money?—None.

178. On the whole, they are very well repaid?—Very well.

179. If you could get proper security in the other case, there would be probably the same prospect of repayment?—Yes, it is a question of security.

180. Colonel *Vandeleur.*] I believe that all the recent reports have recommended a consolidation of the fishery laws?—They have.

181. Which has not yet taken place?—No.

182. Have you looked over this Bill which has been introduced by the Honourable Chairman?—Yes.

183. Do you believe it to be a perfect consolidation of the laws?—That is a question which I am not competent to answer; it is rather a legal one.

184. It is a very important thing that that should be done?—Our solicitor, who will be a very proper person to give you an opinion upon those points, can be examined here if you wish.

185. With regard to the inspector who is proposed under this Bill, do you conceive that he would have to do the duty of supervising both the sea fishery and the salmon fishery?—Certainly not; I do not think that one gentleman could perform the two duties.

186. Provided that there were two inspecting Commissioners, do you think that it could be done?—I take it that as regards the sea fisheries there should be a constant inspection, at least twice a year, of every important fishery place; and I think that it would take up a great deal of time.

187. Do you conceive that the offices ought to be kept separate; that there should be a separate inspector for the salmon fisheries, and a separate inspector for the sea-coast fisheries?—I think so.

188. As to the loans, you appear to be of opinion that if security could be got, it would be a very useful and most beneficial thing for the country?—I think so.

189. In speaking of boats, you of course include canoes in the number of boats which are along the coast?—They are included in the registry of boats.

190. Are you aware that on the western coast the line fishing is carried on nearly exclusively by canoes?—Yes.

191. And in the Shannon, for instance, the herring fishing is now carried on by canoes?—If you will allow me to supply an answer to that question I will do so, as I cannot speak from memory.

192. You are aware that it would make a very serious difference in the number of boats and men engaged in fishing, if canoes were not included?

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cluded?—Yes, but they are nevertheless fishing boats, and their crews are fishermen.

193. Sir *Graham Montgomery.*] Do I correctly understand you to say that Mr. Barry is a Commissioner and has the same power as all the other Commissioners?—Yes, as regards fisheries.

194. He does not interfere with other matters?—No; he is an Inspecting Commissioner of Fisheries; and he is associated with the Board of Works on Fisheries, and has co-ordinate powers.

195. How many inspectors has he under him?—He has none.

196. With reference to trawling, is there a close time for trawling by Act of Parliament?—There are bays in which trawling is interdicted altogether.

197. There is no close time for the deep sea fishery?—No.

198. There is a close time in the bay?—There is no close time, because you may fish all the year round, provided you adhere to the regulations.

199. Colonel *Tottenham.*] I understand you to say that every fishing district in Ireland ought to be inspected twice a year?—Yes.

200. And that in your office you would require a large staff to do that?—Yes.

201. Then am I to understand that you would reverse the policy which has been adopted, of non-intervention?—No, I would not; but I would make our reports much fuller than they are, and I would make them contain information from reliable sources, and from responsible parties. The only means which we have now of giving statistics in those reports are from the officers of the coast guard, who receive no remuneration for what they do; they have very heavy duties of their own to perform.

202. The increase which you now propose is not in order to impose further restrictions upon the fishing?—Certainly not.

203. Can you tell us how many oyster-bed licenses have been granted under the Act of 1866?—Seventeen.

204. What are the dates of the first and last licenses?—I have not got that, but I can supply it to you.

205. Sir *Henry Winston Barron.*] Have you any knowledge of the working of the Scotch Board of Fisheries?—I have not.

206. Have you any information with regard to whether they give any kind of assistance to the fishermen on the coast?—I believe that they give a great deal of assistance and make a great many visits, and I am informed that they give advice upon any point where it is necessary.

207. Mr. *Shaw Lefevre.*] They do not give assistance in money?—No.

208. There are no loans, properly so called, made to the Scotch Fisheries?—Not that I am aware of; I believe that there are none.

209. You have stated that your Board have issued orders of various kinds in various localities?—Yes.

210. Have they any legal means of enforcing those orders?—We can enforce them in the same way as we visit any other infraction of the law, by summoning the parties before the magistrates.

211. Is there sufficient inspection, generally speaking, to give the requisite knowledge to your Board in order to issue those summonses, or to cause them to be issued?—There are only the coast guard who, under the Fishery Acts, are bound to carry out the orders of the Board, and they act as constables for fishery purposes.

212. But in many cases it would be necessary to go out to sea in order to find out whether those infractions took place?—We have no means of doing it, except upon the evidence of the parties who may be made amenable when they come on shore.

213. Practically, you have no means of compelling the coast guard to find out those infractions of the law, or of orders?—We have no means of knowing them except upon complaint, or the information of the coast guard.

214. Practically, are the coast guard bound to carry out your orders?—They are bound to carry out the provisions of the Fishery Acts, and whenever there is any doubt or difficulty they refer to us, and we give them legal assistance if it is necessary.

215. Do you find that practically they do carry out your orders?—They do.

216. Is it your own conviction that they carry them out generally?—Very fairly.

217. Do they get any remuneration in that respect?—None whatever.

218. As a practical man, do you think that people carry out orders of that kind where they get no remuneration?—I do not know that it is for me to answer that question.

219. In the Bill, Mr. Blake proposes to do away with all restrictions and bye-laws?—Yes.

220. In that case the duties of inspectors would be merely those of procuring statistics?—Yes; I was only answering the question, looking at the present state of the law.

221. Mr. *Malcolm.*] You have stated that there are parties who are ready to fish, but that there are no boats; are those men fishermen or seamen, or are they merely long-shore men?—I think that in many parts of Ireland, before the famine, fishing and farming were combined together, and I think that it is very profitable.

222. That is, merely fishing along the shore?—Yes.

223. Are those canoes, of which you have spoken, registered and numbered?—They are registered.

224. Not even for the purposes of herring-fishing?—They are entirely used on the west coast of Ireland; they are not used on the east coast at all.

225. It is exactly the same on the west coast of Scotland; we use them there; but they are all numbered and registered?—I should not like to give a decided answer on that point.

226. *Chairman.*] The sum which is voted by the Board for the erection of fishing piers and harbours in Ireland cannot be given, I think, unless one-third is given by the locality?—It can be given either by the contribution of the Board, or by levying upon the barony, or by levying upon the country at large, if it is sufficiently important. An Act passed last Session enabling the Board to grant three-fourths of the whole sum, and extending the sum, which was formerly limited to 5,000 *l.*, to 7,000 *l.*

227. But in no instance do you give the entire sum?—No.

228. Your Board has the power to compel the grand jury to present for the repairs of those harbours, but has no power to compel them to present for any portion of the harbour, no matter how important it may be?—Yes.

229. Is it not the case that a good many of those harbours, especially on the coast of Donegal, are falling into decay, and that the grand juries are declining to repair them?—I am not aware.

230. No matter how important a harbour may be, if the locality will not contribute the necessary amount, your Board will not contribute?—We cannot; the Act of Parliament will not allow us to give more than three-fourths, which is generally considered liberal.

231. Under what powers was the harbour of Howth constructed?—It was constructed by a vote of Parliament for a Royal harbour.

232. Are not the Government, at this moment, receiving in tolls from Howth more than the interest of the outlay amounts to?—I think not; because we are now laying out a good deal of money in completing the harbour.

233. Have you not received great complaints from Howth of the inadequacy of the harbour, and of its filling up with sand?—No; not of the inadequacy of the harbour, but that there are some rocks which are almost in the fairway, which it is very desirable should be removed; and our Board are very desirous of removing them, but we have not the funds.

234. Are there not some places on the coast which would be very desirable for fishing harbours, but where in consequence of there being no landed proprietors to take an interest in the matter, the requisite sum cannot be raised to induce the Board of Works to advance the remainder?—There are places where the locality is so poor that it cannot be done.

235. In a national point of view are there not places where it would be desirable to dispense with the requirement of the locality subscribing?—I do not know that I can answer that question.

236. Colonel *Annesley.*] You know the coast of Down, Dundrum Bay?—Yes.

237. Do you know that the fishing pier, at Newcastle, has been very much damaged by gales lately, and that it is now almost useless, after a very large sum of money has been expended both by the public and by the proprietors?—I think that steps have been taken for having it repaired; I am aware of what you state, but I think that it is the fault of the grand jury in not presenting for the necessary repairs.

238. Is there any power of compelling the grand jury to do so?—We have no power, because it is a county matter. When the piers and harbours, constructed under this Act, are completed, they are handed over to the counties, and the counties are bound to keep them in repair.

239. If they do not keep them in repair, as the law stands at present, there is no power of compelling them to do so, is there?—No.

240. Then this pier has been allowed to get out of repair, and there are no means of preventing it?—There are the means of repairing it by an application to the Treasury through the Lord Lieutenant; and we then are authorised to expend a certain sum of money, and a levy afterwards is compulsory upon the county.

241. Mr. *Maguire.*] You say that those piers are handed over by your Board to the grand jury?—Yes.

242. Do you mean that the plan is yours?—Yes.

243. Do you decide upon the plan, and then hand over the plan to the grand jury?—We build the work, and when it is completed, we hand it over to the county.

244. Then you have the entire responsibility of its failure or its success?—Yes.

245. Was it your Board who built the pier at Ballycotton, in the county of Cork?—Yes.

246. Have you ever heard it complained of as a very bad work?—Not to my recollection.

247. Did you ever hear it stated that boats were quite as unsheltered in that artificial harbour as in the open sea, that it was so ingeniously constructed as to swamp all the boats inside?—I did not. I know a gentleman who lives very close there, who has a large property, and who, I believe, takes an interest in it, and I never heard from him that that was the case.

248. Is the harbour in the same condition now as it was when first built, or has it changed in any way?—It has not changed to my knowledge.

249. Have you ever heard of boats being wrecked inside it?—No; not that I can recollect.

250. Sir *John Gray.*] You have stated that in 1830 there was a sum lost in consequence of the insufficient security for loans; what was that sum?—Between 12,000*l.* and 13,000*l.*

251. What proportion does that sum bear to the total sum lent by the Board?—It was not lent by us at all; it was lent by the former Commissioners of Fisheries previously to 1831.

252. Do you know the total sum lent by the previous Board?—I can supply it to you; 37,596*l.*

253. *Chairman.*] Is the honourable Member correct in supposing that that sum was lost by loans or bounties, because, in the Commissioners' Report of 1836, they stated that the entire sum advanced for loans, with the exception of about 2,000*l.*, was all faithfully repaid by the fishermen; and, in that Report of the Commissioners of 1836, they recommended the renewal of the system of loans?—These were loans. In the first, second, and third Reports of the Commissioners of Public Works that subject is treated on.

254. Was the entire sum which was lost then 13,000*l.*?—Yes, 13,696*l.*

255. Sir *John Gray.*] Probably you can give us a return of the total sums lent periodically for that purpose?—Yes.

256. A sum may be lent and returned?—Yes.

257. *Chairman.*] Do you know anything of the sum of 5,000*l.* which was given by a benevolent society in London for fishery purposes about the year 1823, and what has become of it?—I do not know anything about it.

258. Mr. *Maguire.*] So far as I can understand, one of the duties of the inspectors would be to acquire information, and to present that information in the form of statistics to the Board?—Yes.

259. Do you not think that they should give every possible information as to the fisheries?—Yes.

260. Do not you think that a fishery inspector ought to have the functions of a poor law inspector, so as to stimulate and guide the fisheries?—Yes.

261. Do you not think that it is of the utmost importance to the country that the fisheries should be stimulated by every possible means?—Yes.

262. And do you think that constant information and advice would have that result?—Yes;

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Yes; I think that it would keep them together, and would have a good effect upon them in encouraging them.

263. You have admitted that great injury was done by the poverty of the famine time to those poor people who lived along the coast, and who combined farming on a very small scale with fishing?—Yes.

264. Many of their boats were lost from time to time?—Yes.

265. Do you know that they were gradually recovering about 1859, and that the bad years of 1860, 1861, and 1862 threw them very much back again; that is to say, on the south-west coast of Ireland?—I am not aware of it.

266. Did you hear that those were very bad years?—I did.

267. Only next to the famine years in the pressure and severity on the poor?—Yes.

268. Is it a fact that 30,000,000 *l.* of agricultural produce was lost in those three years?—I cannot give any opinion upon that point.

269. Did you ever hear that that was the case?—My attention has never been directed to that point.

270. Has your attention been directed to the fact that there was intense poverty and misery in consequence of those three bad years, and that certain classes were peculiarly affected by it?—I do not remember.

271. Colonel *Vandeleur.*] Did not your Board advance sums of money for establishing curing-houses?—Yes; three or four.

272. Did they succeed?—They succeeded in curing fish; they were successful in that way; but they resulted in a pecuniary loss.

273. What has become of those houses?—They were sold after the pressure of the famine; when it was thought that they had done what was intended to be done, which was a mere experiment, they were closed and disposed of.

274. Are you aware whether the curing has been kept up?—I cannot tell you that; it passed into the hands of private individuals.

275. You are aware of the great difficulty which there is in the remoter parts of Ireland, where there is an abundance of fish, but where there are no means of bringing it to market?—Yes. I am aware that on the west coast they are very remote from the markets.

276. *Chairman.*] A portion of the Bill contemplates loans to landed proprietors for the purpose of establishing oyster beds adjoining to their estates; do you think that that could be carried out?—It all resolves itself into the question of security. If there is satisfactory security, I do not see any difficulty in lending money for that purpose as well as for anything else, if the Legislature will sanction it.

277. At present, your Board will lend money for land improvement and other things; the land is mortgaged for repayment; could not the land adjacent be mortgaged in the same way for the formation of oyster beds?—It could, no doubt, if the Act of Parliament contemplated it. I think that this is more a legal matter.

278. Would not that operate to stimulate considerably the planting and cultivation of oysters?—I do not know. A great many licenses have been granted, and I do not think that a very great deal has been done towards stocking the beds.

279. That is up to the present time?—Yes.

280. But that would be an additional means of encouraging the establishment of oyster beds?—Yes.

281. Mr. *Kavanagh.*] Can you give any information with regard to the planting of the Lissadil oyster beds in Sligo?—I think that there are 32 licenses granted, and that there are very few of them in which they have taken any steps to stock the beds. I believe that the beds of Sir Robert Gore Booth were over-stocked before; I heard that stated by a practical man.

282. Mr. *Shaw Lefevre.*] Is it not the fact, that in many cases the proprietors have been very anxious to obtain exclusive rights of dredging rather than to stock their beds with oysters?—I do not know that we could give exclusive rights of dredging.

283. Mr. *Kavanagh.*] You stated that Mr. Barry was the only inspector who had anything to do with fisheries?—Yes.

284. Is not the whole fishery business vested in him?—No; there are the other two Commissioners.

285. Do they act?—They do.

286. They do not make tours of inspection?—No.

287. Is not that Mr. Barry's chief duty?—Yes.

288. You cannot call them very active members of the Commission?—They decide upon all matters which are brought before them.

Monday, 3rd June 1867.

MEMBERS PRESENT:

Colonel Annesley.	Mr. Ion Hamilton.
Sir Henry Winston Barron.	Lord John Hay.
Mr. Blake.	Mr. Herbert.
Mr. Bonham-Carter.	Mr. Kavanagh.
Mr. George Clive.	Mr. Shaw Lefevre.
Mr. Cooper.	Mr. Maguire.
General Dunne.	Sir Graham Montgomery.
Sir John Gray.	Colonel Tottenham.
Lord Claud John Hamilton.	Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., in the Chair.

Colonel John Graham M'Kerlie, R.E., Examined.

Col. *J. G. M'Kerlie*, R.E.

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289. *Chairman.*] You are the Chairman of the Board of Works in Ireland?—I am.

290. How long have you filled that office?—Three years.

291. Previously to your being Chairman you were one of the Commissioners of the Board of Works?—I was.

292. How long did you fill that office?—Eight years.

293. Then you have been connected with that department altogether for about a dozen years?—Over 11 years.

294. When you first joined the Board as Commissioner, it had the control of the inland as well as the sea fisheries?—It had.

295. These two departments were specially under the charge of two inspecting Commissioners of Fisheries?—They were.

296. Those gentlemen were Messrs. Barry and Ffennell, and there was, I believe, associated with them, Mr. Brady, who was subsequently appointed inspector without the rank of commissioner?—Yes. Mr. Brady was clerk to the inspecting Commissioners, and he was subsequently appointed an inspector.

297. Is it not the fact that at that time that staff was found hardly sufficient to discharge the duties belonging to the inland and the sea-coast fisheries?—I am not aware that it was insufficient.

298. It was considered nothing more than sufficient at all events?—Certainly.

299. During part of the period when your Board had the control of the inland fisheries, and of the sea fisheries, they were deprived of the services of an inspecting Commissioner, namely, Mr. Ffennell, who became one of the Commissioners of the English inland fisheries?—They were.

300. Did the Government consult your Board at that time as to the removal of Mr. Ffennell?—I think so.

301. What was your reply; did you object to his removal?—I think that it was not objected to.

302. The whole control of the sea coast and the inland fisheries for a time remained under the charge of Mr. Barry?—Yes; as an inspecting Commissioner.

303. He then had to perform the duty both of Mr. Ffennell and himself?—For a short time until the inland fisheries were removed.

304. Mr. Barry entered the service, I believe, in the year 1818; he has now been about half a century in the service?—I do not know when he first entered the service.

305. He states so himself. When he joined the service he joined it, I believe, in a high capacity as the Inspector General of the Fishery Board which existed at that time?—I am not aware of Mr. Barry's experience previously to my entering the public service, nor of the capacity in which he entered it.

306. Is it not a fact that Mr. Barry is at all events a gentleman advanced in years?—He is.

307. And for some years his infirmities have been increasing?—No doubt with advancing years.

308. Does it not sometimes happen that he is not able to attend to his duties; are there not frequent absences by reason of his ill health?—He has been on several occasions unable to attend to his duties.

309. Since Mr. Ffennell left you, your Board has been also deprived of the services of Mr. Brady, who acted as Inspector of Sea Coast Fisheries?—It has.

310. So that the whole buisness has devolved upon Mr. Barry?—It has.

311. He being a gentleman close upon 80 years of age, and also in infirm health?—I believe that he is close upon the age which you mention, but I should say that his health for his years is remarkably good.

312. Is it not a fact that he is obliged to obtain frequent sick leave from the Board?—No; he has not obtained frequent sick leave, but on several occasions he has been unable to attend meetings which had been appointed, in consequence of illness.

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313. In consequence of that, have you not been obliged to employ a clerk of the Board to hold his investigations?—On one occasion only.

314. Within the last few years, in consequence of the improved system of oyster culture which has been discovered, have there not been increased requests to your Board to grant oyster licenses?—Yes; the applications have considerably increased in number for licenses to plant oyster-beds.

315. Before you grant an oyster license, is it not essential to send an inspecting commissioner, or someone else to the spot to make an investigation?—Certainly.

316. The business of the Sea Coast Fisheries of Ireland has absolutely increased?—It has.

317. And with that increase you have had a diminished staff to do the duty?—Yes.

318. In one or two of your reports have you not spoken strongly of the necessity of having another inspector who should be specially employed to go round the coast for the purpose of collecting statistics, and giving to the fishermen information as to the improved modes of capture, and general information to promote the cultivation of oysters, and other matters connected with the fisheries?—Yes; we have done so in our Reports both for 1865 and 1866.

319. There are 38 fishery districts in Ireland, are there not?—I do not know the exact number.

320. Thirty-eight are mentioned in your report; do not you think it desirable that each of those districts should be visited once in the year?—Certainly.

321. They are not so now?—They are not.

322. Do you consider that there ought to be an increase of at least one inspector to the present staff; that you ought to have two inspectors?—I think that we ought to have two.

323. Is it not most desirable that those two gentlemen should be in full possession of their mental and physical capacity; that they should be active and energetic men, and thoroughly acquainted with the subject?—Undoubtedly.

324. You are one of the Commissioners of Fisheries yourself, in addition to your other duties?—I am.

325. Have you any practical knowledge of fishing?—None beyond what I have acquired during the time I have been a member of the Board of Works.

326. Do you ever make inspections?—I have done so on several occasions.

327. Have you ever been present at an investigation on the subject of trawling?—Yes; I presided at a meeting in Galway in December 1864; that is the only occasion on which I have taken a personal part in the inquiry.

328. In coming to your decision, you are obliged to rely in a great measure upon the report of the inspecting Commissioner?—In a great measure we are.

329. Sir *Henry Winston Barron.*] Is not the evidence taken by the Commissioners furnished to you for your information?—It is.

330. *Chairman.*] Is it not the fact that the Commissioner, in making the report to you, also furnishes the evidence which is taken upon those investigations?—Yes.

331. You make a joint report, signed by the two Commissioners of the Board of Works, and the Inspecting Commissioners?—Yes.

332. Besides that, there is a special report of the inspecting Commissioner?—There is.

333. In that report, is he allowed unrestrictedly to publish his own opinions, and to offer what suggestion he deems desirable with regard to the fisheries?—Yes; so far as they regard recommendations in respect of the fisheries; but we sometimes think it desirable to remove from his report, before publication, observations which we do not think relevant to the subject.

334. Have you before you a copy of the evidence which was taken before the Royal Commission?—I have.

335. I will read to you the evidence of Mr. Barry upon the point, where he states that certain portions of his reports have been taken out, and that his reports have been mutilated, and not given in the form in which he presented them; and I wish to ask you as to the correctness of that statement. At question 37,003, he is asked, "As inspector, you merely reported to the Board?" His answer is "Yes." Then he is asked, "Were your reports published as such in the reports of the Board?" To which his answer is, "Yes, generally." The next question is, "But the Board had a discretion by which they could suppress any report if they thought fit to do so?" The answer is, "They did exercise that discretion generally." Then he is asked, "So that the opinions expressed in the reports, as published, are not always your entire and complete opinions?" The answer is, "Distinctly not." Then he is asked, "Then you would not consider it fair for us to appeal to these reports as the expression of your opinion in all cases?" and the answer is, "They contain nothing important that I dissent from, but they do not contain a great deal that I would have advocated." Then at question 37,010, he is asked "Then again, as inspecting Commissioner, you had, as a member of the Commission itself, the power of voting upon your own reports?" and the answer is, "Distinctly." The next question is, "And the power of controlling their publication?" To which he says, "Yes." He is then asked, "Whereas, formerly, you had no such control?" He says, "There was none which was ever exercised by us: the subject was never discussed in our presence. The determination as to what portion of our reports should appear was invariably the act of the Chairman, was not communicated to us, and, of course, was submitted to." That was when he was inspector without being inspecting Commissioner. He is asked at question 37,013, "After you became inspecting Commissioner you had no more control over your reports than you had as simple inspector?" His answer is "Certainly not." I wish to know from you whether, on certain occasions, portions of the report of Mr. Barry, containing suggestions and opinions of his, were not taken out either by your direction, or by the direction of yourself and your colleague, and were not suffered to appear in Mr. Barry's report?—Yes; we have, on almost every occasion of his presenting his annual report, found it necessary to remove certain paragraphs, which, as I before said, did not appear to be relevant to the subject; they were generally personal observations, quotations from newspapers, and remarks which we did not think it desirable should be presented to Parliament.

336. Have you ever taken out suggestions which he offered respecting the fisheries?—I think not.

337. Did not the inspecting Commissioner differ

differ widely from the Board as to the principle of non-interference which the majority of the Board resolved on adopting, unless when called upon specially to act?—In the earlier years of the Board's operations, I believe that there was a strong difference of opinion between Mr. Barry and the Commissioners, and Mr. Barry's opinions were overruled.

338. So that we cannot regard the distinct reports of Mr. Barry, given in the Appendix to the Report of the Board, as containing his entire views upon fishery matters?—I think that you may so regard it, so long as I have had any connection with the Board.

339. As you exercise the control which has been stated over Mr. Barry's Reports, may the Committee assume that you concur in everything which is contained in his Reports?—Not entirely.

340. In answering an Honourable Member, just now, you mentioned that, in coming to your decisions, you were influenced by the Reports furnished by the inspecting Commissioner, as well as by the evidence which was taken upon the subject of trawling?—Yes.

341. I think that you have also stated that neither Mr. Le Fanu nor yourself have any practical knowledge of fishing?—I did not say so with regard to Mr. Le Fanu, because my colleague, I think, has very considerable experience on the subject. I only made the remark as regards myself.

342. On fishery questions do you not think that better decisions would be likely to be arrived at by a Board composed entirely of gentlemen having a practical knowledge on the subject, and being in the habit of visiting the coast, and holding those inquiries, and making those investigations?—I am not prepared to say that I think they would. I think that the Board, having a general knowledge of the subject, and experience derived from inquiry, though not local inquiry, may, upon reports presented to them by those who have made the inquiry, arrive at very proper decisions.

343. Your duties, and those of your colleague, Mr. Le Fanu, are of a very multifarious and onerous character, are they not?—They are.

344. I believe that you sometimes find it very hard to get through all your work?—Our time is always very fully occupied.

345. Have you ever complained that your hands are so full of work that you are hardly able to get through it?—No; I have never complained of that; but when Sir Richard Griffith retired from the chairmanship of the Board, I remonstrated against his appointment not being filled up by an efficient member.

346. Have you read the Bill which the Committee are considering, which has been introduced this year on the subject of the Irish fisheries?—I have.

347. Supposing that Parliament should resolve on adopting the leading principles of that Bill, particularly as regards loans to the fishermen, would there not be a very greatly increased amount of duty imposed upon the Board?—I think that there would be a considerable increase.

348. Do you consider that your Board, with your other multifarious and serious duties, would be adequate to the performance of the increased work which would be then imposed on you?—I think so, if we had efficient assistance.

349. Do you mean by adding to the number of Commissioners upon the Board?—That would be desirable; but I more especially mean by appointing two efficient inspectors.

350. With regard to the number of vessels and the number of men and boys employed in the fisheries before the famine, say in the year 1846, I believe the number of vessels then employed was 19,883, and the number of men and boys employed was 113,073. The number stated in the last Report, namely, for the year 1866, according to your return, is 9,444 vessels and boats of all kinds, and 40,663 men and boys; so that in the 20 years there has been a diminution of 10,439 vessels, and of 72,410 of the crews of all sorts; that, I think, is correct; it is in your return?—I have no doubt that that is correct.

351. Is it not the fact, that since 1846 the number has gone down year by year and never revived, with the exception of a small increase about two years ago?—The numbers, both of boats and of men and boys employed in them, have gradually decreased from the year 1846 until, I think, 1863; and since 1863 they have been nearly stationary.

352. Is it not the fact that, since 1862 up to the present year, the numbers have gone down to the extent of 1,921 vessels, and 7,938 men and boys. I take it from your own return?—No doubt.

353. Then within the four years, say since 1862, there has been in round numbers a decrease of 2,000 vessels, and 8,000 men and boys?—I presume that it is so.

354. Do not your reports, year after year, refer to a falling off in the number of men and boys, and to a diminished capture of fish generally around the coast, with the exception of the eastern coast?—In our reports for the last two years we have remarked on the progressive improvement in the sea-coast fishery of Ireland, as a whole, the improvement being on the eastern and southern coasts; on the western coast we have mentioned that there is no improvement.

355. Will you take into your hand your own report for 1865, and also your own report for 1866; and with regard to the alleged improvement in the whole of Ireland, will you kindly refer to the second paragraph in your report for 1865, and will you read it?—"During the past year the condition and progress of these fisheries continue to exhibit, on the whole, a manifest and decided improvement as compared with their state a few years back."

356. Will you now turn to your report for 1866, which has just been issued, and read the first paragraph there?—"The progressive improvement in the condition of these fisheries which we had last year the satisfaction of recording, we have now again the pleasure of stating has continued to be manifested during the past year."

357. Is it upon the coast guard returns, generally speaking, that you found your statement as to the progressive improvement of the fisheries?—Partly on the coast guard returns, but more especially on our general information upon the state of the fisheries.

358. As you have no officer who makes an inspection of each of the stations, are you not obliged nearly altogether to rely for your statistics on the coast guard returns?—No.

359. How else do you get them?—Our Inspecting Commissioner is in frequent communication with correspondents at the different

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fishing stations, from whom he receives information; and we, also, ourselves make inquiries, always keeping, as I may say, a watch upon the state of the fisheries; we are constantly inquiring into their condition.

360. But the statistics furnished to you and presented to Parliament, are derived from the coast guard returns, are they not?—They are.

361. Have you a double set of statistics furnished to you. There are 38 coast guard stations. Have you, at each of those stations, another party who also furnishes you with statistics?—No; not with statistics. Some of the letters to which I refer I think will be found in the reports which have been published.

362. Are not those letters usually corroborative of the coast guard returns?—They are.

363. Then we may regard the coast guard returns as fairly showing us the state of fisheries?—Yes.

364. Will you take into your hand the coast guard returns for the year 1865. Does not the statement for 1865 show that out of 38 fishery stations in Ireland, 29 are absolutely declining?—I have not compared the exact numbers.

365. Those returns show that 29 are declining, and that there are nine which are either not declining or are partially improving. We will assume that to be the fact. Will you take the return for 1866, and will you refer to the coast guard returns, at page 29?—I have it.

366. Taking the returns for 1866, it appears that out of the 38 districts there are 26 declining, and that there are 12, some of which are not declining, and a few of which are improving; is that correct?—I presume that it is.

367. Will you refer to No. 5, which I see at the bottom of page 12 of the report for the year 1866. This refers to Youghal, in the county of Cork. "No improvement in boats or gear; no sign of improvement; no emigration. The owners of first-class boats appear to be giving them up, finding they do not pay. Last year less productive than preceding in the take of fish." Is that correct?—That is correct.

368. Will you now proceed to Queenstown, in the south of Ireland. "Fishing establishment indifferent, as compared with last three years; boats and gear on the coast are in bad order, and require repair; no signs of improvement; prospects dull, as the take of fish has not been remunerative." Is that correct?—It is.

369. The next place is Kinsale, with regard to which the words are, "Between Myrtle Villa Point, east, and Flat Head, west, fishing establishment on the decline; no sign of improvement, and not the least appearance of better prospects. Emigration prevails. Last year less productive in take of fish than preceding." Is that correct?—It is.

370. Do you wish to read further as to Kinsale?—If you please, lower down it is stated, "Between Hangman's Point, east, and Hake Head, gradually improving in boats and gear."

371. That is one of the places for which I give you credit; will you refer to Skibbereen, in the county of Cork; they say, "Condition of boats and gear gradually declining; no sign of improvement; present prospect bad. A spirit of emigration prevails, but men would stop at home if fully employed. Take of fish less productive last year than preceding, except the net fishing off Crookhaven, which has been more productive." Take Bantry, in the south-west of Ireland: "No improvement in boats and gear, &c.; condition bad. No sign of improvement; future prospects bad. A spirit of emigration prevails; fishermen if fully and remuneratively employed, a great check would doubtless be given to emigration." Take Castletown: "No marked difference in condition of boats and gear. No signs of improvement. Prospects not encouraging. Spirit of emigration prevails; would probably be lessened if fishermen were fully employed at home." Then take Westcove: "Boats and gear getting worse every day. No sign of improvement whatever." Then take Seafield: "Fishing establishment more on the decline, and fishermen too poor to purchase boats and gear. No sign of improvement." In what county is Seafield?—In the county of Clare.

372. I now come to Galway: "Boats and gear, &c. generally declining, the poverty of the fishermen being such, that they cannot replace lines or nets damaged by bad weather. An opinion seems general that fish are scarcer. The people still wish to emigrate, but most would doubtless remain at home if they could live. Fish less productive everywhere in this division, except fisheries about the Isles of Arran, which are reported as more productive than last year." It then proceeds further down to say, "The only trawling is carried on by two trawlers belonging to a ship chandler of Galway. This excites great ill-will on the part of the Claddagh fishermen, but no collisions have taken place." Further on it says, "Poverty an impediment to improvement, preventing fishermen replacing gear destroyed by wear and tear;" I believe that in that bay trawling has been prohibited?—In the upper part of it.

373. I will take Westport, which is a well-known fishing station: "Boats and gear apparently declining; no sign of improvement; emigration still prevails;" is that correct?—Yes.

374. Take Keele: "Boats and gear on the decline; no improvement; present prospects unfavourable; emigration prevails to a limited extent." Then I come to Belmullet: "Great falling off in boats and gear; no sign of improvement." Then as to Ballycastle, it is stated, "No improvement in boats or gear." As to Pullendisa, it is stated, "Boats and gear much the same as last year; no improvement." With regard to Sligo, it is stated, "There is no improvement in boats or gear." With respect to Killybegs, it is said, "No improvement in boats or gear; no sign of improvement." At Rutland, there is "No sign of improvement." At Rathmullen, it is said, "Boats and gear much the same as last year; slight improvement in prospects." In Carrickfergus, it is stated, that there is no regular fishing establishment in the district, and that the boats and gear are falling off. As to Donaghadee, it is stated, that there are no signs of improvement. In Strangford, it is stated, that the boats and gear are getting worse every year, and that there are no signs of improvement. As to Newcastle, it is stated: "General condition of fishing establishment, bad; no sign of improvement." With regard to Carlingford, it is said: "Condition of boats and gear, fair; no sign of improvement." We now come down to Malahide: "Boats and gear same as preceding year; herring and other fishery declining; no sign of improvement." That makes 26 districts in last year which are declining

declining, and there are only 10 places which are said to be improving. I have finished the cases where there is a decline in men and boats, and in the fisheries. I will now give you a few cases which I do not put under the head of a decline. Take Dublin: "Boats and gear of the second class considerably improved; considerable signs of improvement, and prospects good." At Arklow, it is said, "General condition of boats and gear very good; very great improvement in boats and nets during the year." As to Wexford, it is stated: "Boats and gear in Wexford harbour improved." With regard to Waterford, the words are, "Improving in boats and gear, especially the latter; present prospects better." With respect to Dingle, it is stated: "Condition of boats and gear very good; very great sign of improvement." As to Clifden, it is stated: "Good sea boats, in good order; a little improvement since last year; fishermen would remain at home if sufficiently employed." In Sheephaven, it is said: "Condition of boats and gear improved; the improvements consist in the steps taken by the North Western Fishing Company, not by local fishermen." As to Carne, it is stated: "Boats and gear much the same as last year, perhaps a slight improvement; slight improvement in prospects." That is one case for which I give you credit. As to Ballycastle, it is said: "Boats and gear much improved at Portrush; very bad at Ballingtroe; not so good as last year at Ballingtoy; the remainder of the district same as last year. Considerable signs of improvement in the long line and deep sea fishing at Portrush." In Dundalk, it is said: "Boats and gear as heretofore; salmon fishing increasing; other fishing decreasing; slight improvement." With respect to Howth, it is stated: "Very great improvement in past year in boats and gear; boats better formed, and prospects greatly improved." There are 26 places which are declining in boats, men, and fisheries; and I have read the places which are said to be improving, and I wish to know whether you consider that that return justifies you in saying that there is a progressive improvement, and if so, upon what grounds you make the statement?—The greater number of the stations which are said to be declining, or not improving, and the prospects of which are not good, are unimportant stations; the greater number of them are remote from means of facile transport to good markets, and we have considered that the decline, whatever it may be, and we believe it to be very slight,—we believe, in fact, those stations to be very nearly at a standstill, by no means counterbalances the very great improvement which has taken place at the other stations, which, though few in number, are very important. I allude to Howth, Dublin, Arklow, Kinsale, and Ardglass; those are the principal places. There has been a very great improvement in the fisheries at those stations. I allude more to migratory fish, and not so much to the fish frequenting the coast all the year round; and I think that the information which we have received justifies us in making the statement which we have made. We are further borne out in that opinion by the quantity of fish carried from the different fishery stations by railway; it has been very considerably increasing during the past four or five years. The quantity now carried upon some of the lines is very great, and I think that that quantity is a very safe indication that the fisheries must be in a flourishing state at those places.

375. The increase has taken place, generally speaking, upon a small portion of the eastern coast, and that increase has taken place in herrings, I believe, which are of a very fluctuating character?—It has been principally in herrings. The fisheries have become concentrated at certain points. Of course the vessels resort to the best harbours, which are those that I have mentioned; they are concentrated at those places, and with very great advantage, I think, to the fisheries at large.

376. Generally speaking, the increase is confined to a few stations on the eastern coast?—It is.

377. Will you point out to the Committee the portions of the eastern coast upon which you found that statement of the general improvement of the fisheries of Ireland?—Ardglass is the first important station, which is now prosperous. There is a great herring fishery on this coast (*pointing out the same*). I presume that great shoals of herrings lie off the coast during the months of June, July, and August all down this coast (*pointing to the map*); and the boats to capture them go out from Ardglass, Skerries, Howth, Arklow, and a few from Wexford.

378. The other portions of Ireland, the south-west and the north-west, as a rule, are declining, are they not?—No, I do not think that they are declining.

379. I speak of the south-west?—In the south-west there is no improvement, excepting in Dingle Bay.

380. In the west there is no improvement?—No.

381. In the north-west there is no improvement?—Not generally; there is some increase in Lough Swilly, and also in Lough Foyle.

382. In the north is there any improvement?—The places just mentioned are in the north.

383. But there is improvement only there?—Only there.

384. Immediately on the north-east is there any improvement?—No; in most of those returns it is stated to be, if not declining, stationary.

385. So that the improvement is mainly confined to a portion of the eastern coast?—No; there is a great improvement all along the southern coast. There are great shoals of mackerel, which have been discovered where they were scarce before or not known. In the last three or four years it has been found that great shoals of mackerel lie off the coast, and now a great fleet goes out from the port of Kinsale and takes them.

386. Colonel *Annesley.*] You have mentioned the port of Ardglass, where an increase has taken place: are you not aware that the great majority of those boats are strangers, and do not belong to the port of Ardglass itself?—Yes; they are mostly boats from the Isle of Man, Scotland, and other places.

387. And Cornish boats?—Yes.

388. *Chairman.*] You say that you regard, as an indication of the increase which has taken place, the quantity of fish carried by the railway?—I do.

389. In that return, I find that salmon, as well as sea fish, are included in your gross total of increase?—Yes; but if they are taken out the same conclusion holds good.

390. You have spoken of the increase between 1866 and 1867; but is it not a fact that the capture

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ture of salmon in some places has increased as much as 50 per cent.?—I am not aware that it has. The returns which we have received from the railway companies do not state that to be the case.

391. Have you read the Report of the Special Commissioners on Salmon Fisheries?—No.

392. Is it not the case that the Waterford and Limerick Railway, for instance, transports salmon only?—Yes; with the exception of eels.

393. What is the number of eels?—Twenty-nine tons of eels were conveyed in 1865.

394. You are now unconnected with the inland fisheries: why did you not take the capture of salmon out of your return?—It is stated separately; it may be taken out; we did not think it necessary to take it out; it was unimportant.

395. You give a return in which the gross total conveyed by railways is stated. You take credit for an increase, and in that increase, according to the Report of the Commissioners on Salmon Fisheries, there is an increase of salmon, in some instances, of upwards of 50 per cent.?—The quantity of salmon conveyed is stated separately in our returns; and therefore, taking it out, it is easy to arrive at what is the quantity of other fish.

396. You do not give it in a distinct form. In making up the gross total of 2,771 tons conveyed by the Great Southern and Western Railway, salmon are included, and you take credit for salmon as well as for sea-fish?—Not in drawing comparisons. If we take from the 2,771 tons, the 383 tons of salmon, it leaves us 2,388 tons of sea-fish; that is what we reckon upon.

397. Is not the great difference the increase in the take of herrings on the eastern coast?—Not on the railway to which I now refer.

398. But on the whole, is not that the case?—No; on the southern coast it is in mackerel. There were during the year 1866, 1,704 tons of mackerel, and only 349 tons of herrings conveyed on the Great Southern and Western Railway; but on the Wicklow Railway it is nearly entirely due to herrings and oysters. On the Midland Railway there are all descriptions of fish.

399. Are not herrings on the coast of Ireland, of all descriptions of fish, the most uncertain, and fluctuating; have they not been on the coast of Ireland in great quantities for a year or two, and then have they not altogether disappeared from portions of the coast?—I believe that they disappeared for a certain number of years, and then returned four years ago in great numbers.

400. But the other descriptions of fish may be looked upon as more certain in their character?—Yes.

401. And the capture of fish of those descriptions has fallen off in the portions of Ireland which I have indicated?—It has fallen off in the portions which have been alluded to.

402. In several of your reports up to 1863, have you not attributed the falling off in the capture to the inadequate character of the boats and gear, and also to emigration and the famine?—Yes, the one being a consequence of the other.

403. Do you believe that there are now, upon the coasts, a number of people who have been obliged to give up fishing pursuits in consequence of not having good boats and gear, and who have been compelled, owing to poverty, to let the boats and gear get out of repair?—No, I am not prepared to say that I think that that is the case to any great extent.

404. Are you prepared to say that it is not the case?—I am not prepared to say, positively, that it is not the case, but I attribute the fact to other causes.

405. To what causes do you attribute it?—In the remote fishing places, there being no ready means of taking their fish to a remuuerative market; the consumption is confined to the locality. The inhabitants, particularly in those districts, have, of late years, diminished in numbers, and the consequence is that there is a less demand for fish, and the people themselves, being quite as much agriculturists as fishermen, have not found it worth their while to prosecute so unremunerative a pursuit.

406. But they did prosecute it in former years, before the famine?—Yes; because there was a great local population to supply.

407. The completion of railways would assist the fisheries very much?—Yes; that is what is wanted in all the fishery stations.

408. In your reports from 1862 up to 1864, you state that great privations have been suffered, sometimes from the want of fish, and at other times from the want of the necessary means to procure suitable boats and gear. That statement is contained in your report for the year 1864, page 1. You, I suppose, concur in it?—I do.

409. It therefore appears that the men could not, in many instances, prosecute fishery pursuits for the want of boats and gear. If this Committee suggested, and if Parliament would consent to some scheme for advancing well-secured loans to fishermen for providing boats and gear, do you think that it would be advantageous to the people themselves and would contribute to an increased capture of fish?—Yes; I think that it would afford a very great assistance to those who follow fishing as a regular means of livelihood.

410. Do you mean persons who maintain themselves exclusively by fishing?—I do.

411. On certain portions of the west coast of Ireland, if a man confined himself exclusively to fishing, would he not be likely to be idle about half his time by reason of the boisterous nature of the weather on the coast?—He would.

412. In instances like that, round that vast line of coast, do you not think that it would be desirable to combine farming with fishing?—Yes.

413. Have not the people round that coast been very much distressed in the way which your report mentions, from the want of adequate means to procure boats and gear?—Yes.

414. In such instances, would it not be a politic act to give them some small assistance in the way of well-secured loans?—It might be, if they were well secured; but it must be borne in mind that during a long period of the year they must lay up their boats, and the result of the want of proper protection for the boats would be that they would very rapidly fall into a state of disrepair and decay; in fact, the repair and the loan would have to be almost annual or very frequent.

415. Are there not some thousands of men who at present partially follow that pursuit upon that coast?—Yes; certainly; there are many.

416. They

416. They have to run all the risk you mention?—Yes.

417. Those men, I presume, would not follow that pursuit, if they did not find it a profitable concern?—That may be presumed.

418. Have you ever given attention to the report of the Commission of 1836, called "Lord Morpeth's Commission," and to the reports of the former Inspector of Fisheries under the bounty and loan system on the subject of loans?—I read that report two or three years ago; I have not looked at it recently.

419. Are you aware that those reports strongly recommend loans in aid of local efforts, and the establishment of loan funds, the funds to be contributed partly by the Government, and partly by local subscriptions?—I have no doubt that it is so; I do not remember the particular recommendation.

420. Would you recommend a plan of that kind?—If sufficient security could be given, I do not think that there could be any objection whatever to making loans, but on the contrary, I think that there would be a great advantage in it.

421. In your report for 1865, you express a strong dissent from the recommendation of the Royal Commissioners with regard to the total removal of the restrictions on trawling?—Only to a limited extent, in shoal waters.

422. Will you be kind enough to turn to page 4 of that report; will you first take up the report for 1864, and read what you say there upon the subject of trawling; that is at page 4, the last paragraph?—"The subject of increasing or diminishing restraints upon trawling still occupies our attention. The question is very complicated; the utmost diversity of opinion exists, as may be collected from the statements of the coast guard officers; and we think it proper to defer our decision until we shall have received the report of the Royal Commissioners, who were specially appointed to consider this and other matters connected with the sea fisheries in this country, as well as in Great Britain." I would beg to remark that after the word "decision" we should have introduced the words "in the cases before us;" because it was not a general decision, but upon the cases before us.

423. Will you turn to your report for the year 1865, and read what you there state upon the subject?—"In our reports for 1863 and 1864, we adverted to the circumstance of our having thought it proper to hold over our decision on certain cases before us in reference to trawling, pending the inquiry, in regard to the sea-coast fisheries of the United Kingdom, by the Royal Commissioners appointed in 1833. We have perused the report of that Commission lately published, but we still feel it inexpedient to deal with the cases referred to, awaiting the decision of the Government and the Legislature, with respect to the recommendations made in that report. The views of these Commissioners in regard to the propriety of the removal of all restrictions on trawling, however, we feel it our duty to take this opportunity of expressing our dissent from, so far, at least, as relates to Ireland. The reports of former Commissions of Inquiry, and we more especially allude to the very full and comprehensive report of 1865, and all our own experience and investigations, have led us to the conclusion that, within certain limits, trawling is injurious to the interests of the fisheries at large; and in this opinion we are supported by all persons in this country, scientific as well as practical men, who have disinterestedly directed their attention to the subject."

424. In one of your reports you speak of the desirability of having practical experiments made before coming to any decision upon so complicated a point, do you not?—We do.

425. In your report for 1865, you dissent from the report of the Royal Commissioners, with regard to trawling in bays?—Yes; within certain limits.

426. Up to that time I believe that your reports, from about 1856, expressed considerable doubt upon the subject of trawling, as to the injury which it was supposed to inflict?—I have no doubt of it.

427. Between 1864 and 1865, you came to an absolute decision upon the point. In 1864 you do not say anything decisively upon the point, but in 1865 you express dissent from the Royal Commissioners?—Yes; we give a much more decided opinion in the two latter reports than appears in the report for 1864.

428. Did you make any practical experiments during that time to assure yourselves on the point?—No.

429. You made no practical investigation?—No; nothing more than considering and carefully reflecting upon the whole of the circumstances, and discussing the matter repeatedly, considering all the arguments, both for and against. We came to the conclusion that it would not be desirable to remove all power of restriction with regard to trawling in certain localities.

430. In bays?—In bays and shoal waters.

431. That determination was come to at a meeting of the Fishery Board?—Not one meeting, but at many meetings; we have repeatedly discussed the matter.

432. Have you minutes of your proceedings from which the Committee could ascertain the grounds upon which you came to that decision?—No; it has been mere conversation.

433. Is it your belief that trawling in bays is injurious to spawn and young fish?—At certain times of the year, when the fish of different descriptions come into certain soundings, shoal waters, to spawn, I think that there can scarcely be a doubt that disturbing them when they are in that condition and have come in for that purpose, must be injurious; and I think that it must also be injurious when the small immature fish have not yet left the beds upon which they were produced. I think that to trawl over such grounds, disturbing the fish and possibly driving them off these beds, and it may be destroying them altogether, or capturing them, must be injurious, and that the practice must also be injurious when the fish are of a very small size. We know as a certain fact that it does destroy great quantities of them, and that therefore it must be injurious; but I think that it is only probably during a certain period of the year that it is injurious; it is very difficult to say during what exact period, because the times at which the different descriptions of fish spawn overlap each other; but from May to July, when the fish are spawning, I think that it would be well and proper to avoid trawling in those localities.

434. Then am I to understand that you are more in favour of a close season for fish than of a

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prohibition of trawling in bays?—Certainly; I would, however, confine the restriction to probably not more than four months in the year, and that in certain shoal or narow waters.

435. Do not the various descriptions of fish spawn throughout every month in the year?—I believe that they do; for instance, herrings generally spawn at the latter end of December and the early part of the year. Soles and plaice spawn a little later, and other fish no doubt spawn at different periods of the year; but I think, from inquiries which we have made, that the months of May, June, July, and August would probably be the best months in which to prohibit trawling.

436. As a matter of fact, does not the spawning of different kinds of valuable fish go on during almost every month in the year?—I do not think that there is much spawning in the autumn months of the year.

437. But is there not some?—There may be; I am really unable to say.

438. Strictly speaking, to have an effective close season for spawning fish would amount to there being a close season during almost the whole of the year in the bays and estuaries and sheltered places?—To be thoroughly effective, it would.

439. I believe that fish do not deposit their spawn upon a sandy bottom; they must deposit it somewhere where it will have a hold, such as seaweed, and rocks and stones, and so forth?—I do not know much of the natural history of fish; I should rather think that the parts where fish would spawn would be upon rough gravelly bottoms, but not amongst rocks or amongst seaweed. I see no reason why they should not spawn upon hard sand; if they do not, I do not know where all the fish between Wexford and Donaghadee would spawn.

440. Would you undertake to say that the fish spawn upon sand?—Certainly not.

441. Does your belief incline more to the fact of their spawning in places where the spat or spawn can hold on; suppose that the fish deposit their spawn upon a sandy bottom, is not it liable to be swept away by storms before the vivification can adequately take place?—I should apprehend that they would spawn in such a depth of water as to be beyond the reach of storms.

442. But you strongly incline to the belief that they spawn in sheltered places?—Yes; I think that there can be no doubt of it.

443. I will take one instance of your bye-laws with respect to trawling; that is the case of Waterford, which will serve perhaps, to some extent, as an illustration of the rest. At Waterford you preclude vessels of more than five tons from trawling within the bay; and I refer you to page 9 of your last report for the bye-laws?—I have it.

444. You prohibit trawlers of more than five tons from trawling in the bay of Waterford, in order not to injure the immature fish and spawn?—Yes.

445. In how many fathoms of water do fish usually spawn; you have come to a decision upon this question, and I suppose that you are well informed upon the subject?—I beg pardon, I am only expressing an opinion.

446. In how many fathoms do fish generally spawn?—I am really unable to say; I think that there can be no doubt that they spawn in such a depth of water as to be beyond the action of the water as agitated by storms; and I think that there can be doubt that, at the same time, they approach as near to the shore to spawn as they possibly can.

447. In Waterford Harbour, in order to prevent them from being disturbed, you preclude trawlers of more than five tons from trawling there; for instance, a 40-ton trawler, I believe, would not care to trawl in less than five fathoms of water?—An inquiry into the particular case of Waterford was made by the late Mr. Ffennell and Mr. Barry, and it was a compromise between the large and the small trawlers.

448. But the decision arrived at was, that for the preservation of the spawn it was undesirable to have Waterford Harbour trawled in?—Yes; upon the principle that trawling was injurious.

449. I merely take Waterford Harbour as an illustration of your bye-laws; you prohibit in Waterford Harbour "trawling by boats exceeding five tons measurement within a line drawn from Creden Head to Temple Church," so that by the bye-law all boats under five tons can trawl in Waterford Harbour?—Yes.

450. Assuredly if a large boat can trawl in five fathoms of water, a five-ton boat can trawl in a fathom of water, and if trawling be injurious in the way which you have mentioned, the small boats must do infinitely more injury than the large boats, inasmuch as the large boats would not be likely to trawl in less than five fathoms of water; is not that the fact?—Quite so.

451. Therefore is there not an inconsistency in your bye-law?—I think not; the fact is, that no restrictions upon trawling have been placed by the Board of Public Works as a Fishery Board, except upon the special application of persons interested in the locality, and the object has always been so to arrange matters as to meet as far as possible the views and the interests of both parties, and to remove those differences which have frequently arisen between them. This is a case which I think explains this matter. No restriction would probably have been put with regard to trawling in Waterford Harbour had it not been that application was made by probably the owners of the smaller vessels to be protected from the injury arising to them from the larger class of vessels, from whatever cause it might have been, and therefore this line was evidently drawn to protect the smaller class of vessels, but not to restrict trawling altogether; that has never been done, except when specially applied for.

452. In certain places has there not been an entire prohibition of trawling?—Yes; on the application, generally speaking, of the long-line fishermen.

453. In such a place as Waterford Harbour, if trawling is injurious, is not a small trawler likely to be more injurious than a large one?—I do not know that it is, but even if it were so, the entire prohibition of trawling was not asked for.

454. Mr. *Cooper.*] As I understand, it was a dispute between the large and the small trawlers?—Yes.

455. And not a dispute between the trawlers and the long-line fishermen?—No.

456. Sir *Henry Winston Barron.*] You never interfere, as regards trawling, except there is an application?—Never.

457. And therefore no general rule is laid down?—Just so.

458. *Chairman.*]

458. *Chairman.*] In your prohibition of trawling do you go upon any fixed principle, or do you concede to the wish of the majority in the locality?—We institute an inquiry, and upon the evidence before us we determine whether it is desirable to draw any line of demarcation, restricting trawling or not. In former years, upon such inquiries, it was decided to lay down in several instances lines of demarcation. Of late years, in one instance only, has any restriction been placed upon trawling; we believe, as I have already mentioned, that trawling, under certain circumstances, is injurious, but our disposition has been to remove restrictions as far as possible.

459. In Galway Bay, and in Donegal Bay, there is a total prohibition of trawling, upon the principle that small and immature fish will be interfered with; in Waterford Harbour the circumstances are pretty much the same; you state, that at Waterford, you conceded the matter in deference to the local wish, and allowed partial trawling; have you any fixed principles to go upon, or are you guided by the wishes of the locality?—We decide in each case, according to the evidence before us.

460. If immature fish and spawn can be taken by trawling in Waterford Harbour, they can also be taken in Donegal Bay and elsewhere; but is it not the fact, that you do not apply the like rule in each case?—Where there was a strong feeling on the part of the line fishermen, that their operations were seriously interfered with by trawlers (not of late years but formerly), we decided upon laying down certain lines within which trawling should be prohibited, believing that trawling was injurious, to a certain extent.

461. But your own opinion, as just now expressed, would be in favour of the removal of the prohibition of trawling except during the close season in the bays?—Yes.

462. Is it not the fact, as stated in your reports, that a good deal of the feeling against trawling is subsiding in different parts of Ireland. For instance, your Report for 1861 says that you are glad to observe that the conflicts between those who follow different modes of fishing are subsiding, and that you trust that the feelings of hostility which have been occasionally observed are on the decline. You further say in your Report of 1862, "It affords us pleasure to state that the jealousy which existed between different classes of fishermen with respect to the modes of fishing is gradually subsiding." Again, in your Report for 1863 you state, "It is gratifying to observe that the past year has not been marked by any conflicts amongst the persons following different modes of fishing." From those reports are we not to infer that the people are getting more reconciled to trawling than they were before?—They are in some places. In Dingle Bay, for instance, I believe that the line men make no objection to trawling. In Galway Bay, some of the line men are employed on board trawlers, and their objection to trawling seems to be diminishing or to have been overcome in some way. In Bantry Bay it was only last Wednesday that a meeting was held to inquire into a complaint of the line fishermen with regard to the interference with them by some of the trawlers of Castletown Bearhaven. Mr. Barry was sent to inquire into that complaint.

463. Have you ever passed any bye-law to meet the views of Mr. Goode of Dublin, and other large trawlers?—I do not remember any special application on the subject.

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464. From tempestuous weather, are not the fleets of trawlers often obliged to remain in the bays for a week or a fortnight, and being precluded from trawling by your prohibition, and do not numbers of fish in such places come in which might be captured by these trawlers, but which they are restricted from by your prohibition?—That is very likely.

465. Colonel *Vandeleur.*] I think that the whole argument of the Chairman is, that the larger trawlers should be allowed to swamp the smaller trawlers. It appears to me that the complaint is, that at Waterford the class of smaller trawlers have been interfered with by the larger trawlers, and that they have been entirely driven out; did that point enter into your inquiry at that time?—I do not remember the details of the inquiry at that time, but only the general facts. Waterford is the only place that I know of where there is any difference of interest between the large and the small trawlers.

466. *Chairman.*] There are considerable capabilities in Ireland for extending oyster culture?—Yes.

467. You so report?—Yes.

468. Have you read those clauses in the Bill introduced this year, which give landed proprietors the power of borrowing money to plant oyster beds upon the shores adjacent to their estates; in fact, extending the operation of the Land Improvement Act for that purpose?—I have read those clauses.

469. Do you not think that the clauses of the Land Improvement Act might be advantageously extended in that direction; for instance, suppose that a proprietor has the power of mortgaging his land for improvements, and that he proposes to lay out 2,000*l.* upon an oyster bed, which is a small sum for an oyster bed, and that he asks your Board for a loan of 500*l.*, and that he gives sufficient security; do you think that there would be any objection in a case of that kind, if, as the Bill provides, if the report of your inspector admitted the eligibility of the site for an oyster bed?—I think that the results of oyster cultivation are too precarious to warrant a loan being made upon the principles of the Land Improvement Act.

470. If a properly qualified inspector reported that the site was an eligible one, and that the prospects of success were likely, and that the proprietor was prepared to lay out three-fourths of the sum, and only asked you for one-fourth, and that he was competent to give you security, should you see an objection in that case?—If the security was simply upon the oyster bed itself, I should not think that it would be sufficient.

471. I have mentioned security upon the proprietor's land?—If it was upon his land, I think that it would be scarcely right to charge the inheritance with the repayment of a sum which might be entirely lost.

472 In my question, I assume that there is that power?—But we always consider, in granting loans under the Land Improvement Acts, the benefit to the property; and unless there was a certainty of that benefit, according to the report of our inspectors, we should not feel justified in making the loan, and I do not think that that certainty could apply to oyster beds.

473. Have not all the loans which you have

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advanced upon landed security been repaid, or nearly so?—Yes.

474. Do you not lend money in the case of scutching mills?—Yes.

475. Are not those uncertain in their results?—I think not.

476. There is a clause in the Bill which provides for agreements between owners of vessels and crews. At present, I believe, there is no mode of making agreements, and a good deal of unpleasantness occurs between the owners of vessels and their crews. Do you think that such a provision is desirable?—I have not considered that matter.

477. Colonel *Annesley.*] You have mentioned an inquiry which Mr. Barry lately held at Castletown Bearhaven; can you tell the Committee anything about it?—No; we have not received his report; it was only last Wednesday that he held the inquiry.

478. Are you aware of the circumstances of the prohibition of trawling in Dundrum Bay, in the county of Down?—I am aware that there is a bye-law prohibiting trawling there.

479. Between St. John's Point and Cranfield Point?—Yes; it is a very old bye-law; it was made in 1851, and no question has arisen with regard to it during the time that I have been connected with the Board of Works, and therefore I can give no information with respect to it.

480. Are you aware that there is an absolute prohibition of trawling upon that coast?—I am not aware of the circumstances.

481. Do you remember a correspondence which took place with reference to Newcastle, in Dundrum Bay, with regard to salmon nets which were set for salmon in the sea?—I do not recollect that correspondence.

482. I suppose that we shall get that from Mr. Barry?—No doubt.

483. Colonel *Tottenham.*] I understand you to have said that the Board of Commissioners have never complained of any overwork?—I have said so.

484. Are you prepared to say that, with your present staff, you are able to perform all the duties of inspection, and looking after the interest of the fisheries?—Certainly not; with the present staff.

485. You think that an addition to that staff is desirable?—It is quite necessary.

486. Do you mean an addition of inspectors or of Commissioners?—I think that for the fishery business it would be necessary to have two inspectors instead of one.

487. Without any addition to the present Board?—Yes; we could continue, I think, to perform the duty, though it would relieve us very much if we had a third Commissioner.

488. Supposing that power was given by Parliament to lend money, on security, for the purposes specified in the Bill of the Chairman, would you then think it desirable to have a special Commissioner for the purpose of investigating such security?—No; I think that that duty would devolve on the solicitor, namely, the duty of investigating the security.

489. In lending money upon boats and gear, what would be the nature of the security which you would require?—I presume that it could only be personal security.

490. It must be something beyond so very risky a property as boats and gear used in fishing?—I do not know any other security which could be obtained from fishermen than their personal security, unless the security of persons who would undertake it for them could be procured.

491. That is to say, that you would have bailees. I suppose that something of that sort would have to be adopted if the provisions of this Bill were put in force?—I think so.

492. With regard to oyster-beds, would you require the same sort of security?—I do not think that the oyster-bed itself could be accepted as a security, and therefore it would be necessary to have some collateral security; and it might be the personal security of the borrower, or a security upon land adjacent to the bed.

493. I think that it is provided for in this Bill, that the occupiers as well as the owners should be empowered to receive licenses, and, I suppose, to undertake the formation of oyster beds. In that case, there could be no security given upon the dry land?—I apprehend not.

494. In that case it would be very difficult for the occupiers to furnish any security which would be satisfactory to the Board?—I think so.

495. As to the difference between the eastern coast and the western coast; the fishing on the eastern coast is said to be advancing in prosperity, and that on the western coast to be declining; to what do you attribute that difference?—I think that the prosperity on the eastern coast and the southern coast is attributable to the return of the shoals of migratory fish; it has given an impetus to the fishermen which has tended to develope other fisheries besides. On the western coast the fish have not re-appeared except in very small numbers, and the inhabitants of those localities are so distant from markets that there is very little inducement for them to pursue fishing as a regular avocation. When the expenses of carriage are paid their profits are entirely, or to a great extent, absorbed.

496. Where railways have reached the western coast, and have carried fish from the western to the eastern coast, have the profits generally gone into the pockets of the fishermen, or into those of the fish factors?—I think that they must have shared the advantages.

497. I think that the Royal Commissioners reported that the profits finally went into the pockets of the fish factors, and that the fishermen themselves got very little benefit?—I should think that, from the very fact of the fish factors purchasing the fish of the fishermen, they must have had an encouragement to take them.

498. But, upon the whole, you would rather attribute the difference between the eastern and the western coast to the increased supply of fish in the sea than to any difference in the position of the fishermen?—The western coast of Ireland is extremely rugged, and exposed to storms during certain times of the year; and the want of means of rapid transit to good markets, I think, entirely accounts for the impoverished state of the fishermen, and their inability to prosecute the fishery with success.

499. In Galway Bay and other places have not attempts been made to trawl to a considerable extent?—Yes.

500. And those attempts have been failures?—They have been defeated to a great extent by the Claddagh men.

501. There are some of the Claddagh men now employed on board the trawlers, are there not?—Yes; some are in the employment of a company which

which has been recently established called the Dochulla Fishing Company, and I believe that they have been very successful; they fish off the isles of Arran, at the entrance to Galway Bay.

502. And no objection is taken by the local fishermen?—No; I believe not.

503. As regards your local inquiries, I understand you to say that the decisions come to by the Board in consequence of such inquiries have been made solely as the result of the evidence submitted by the localities?—Yes; and our view, from our own knowledge and experience, of the propriety of making such bye-laws and restrictions as may appear necessary in each case.

504. As regards trawling, for instance, have they not been made quite irrespective of any fixed principle or system?—Certainly not.

505. For instance, as regards the different policy of the Board with respect to Waterford Harbour, and with respect to the harbours on the west coast, have not the bye-laws which have been passed as to Waterford been entirely diverse from the bye-laws which have been passed elsewhere?—I think not. In Waterford it was an arrangement between the parties, trawling, as a whole, not being objected to by either of them. In the case, on the other hand, of Galway, trawling was decidedly objected to by all the line fishermen, without exception; repeated inquiries were held there, and after a great deal of consideration of the subject, it was decided to draw a line within which trawlers should not come, cutting off the upper part of the bay, which it was considered desirable to protect from the action of the trawls.

506. In Galway you decided against trawling, because you thought it objectionable in principle?—Yes.

507. And at Waterford you merely decided against one class of trawls, because it was opposed by the other?—At Waterford, trawling not being objected to, it was not considered necessary to put any restriction upon it further than to draw a line between the two different classes of boats.

508. In passing your bye-law for Waterford you did not regard your own principles, which would lead you to prohibit trawling altogether?—No; as a rule we do not interfere in these matters, unless called upon to do so.

509. You, therefore, decide simply on the local evidence, irrespective of any principle, unless specially called upon to apply that principle?—No; if it is a question whether trawling is to be prohibited or not, then we admit the principle that trawling is to a certain extent injurious; but if trawling is not objected to we do not introduce that view into the matter at all; we do not interfere.

510. Mr. *Herbert.*] You stated that you corresponded with, or that you got your reports from the coast guard officers. You also stated that there were other correspondents; who are those correspondents?—They are correspondents of Mr. Barry the Inspecting Commissioner.

511. Local people?—Yes.

512. What class of people are they?—For instance, at Arklow the harbour master reports; some of his letters, I think, are published in the report. At Kinsale I forget who Mr. Barry's correspondent is, but he is some person of respectability.

513. Are they generally practical men, who understand what they are reporting about?—I believe so.

514. You have stated that in Dingle there are improvements in the boats; what class of boats are generally used in Dingle?—If I recollect rightly there are 16 large trawlers of some 40 to 60 tons, working in Dingle Bay, and there is a large number of boats, principally canoes.

515. Were the means for making those improvements furnished by the fishermen themselves, or have they been helped by the landlords?—The large boats belong to Dublin people generally, and they have helped to introduce a superior class of vessel. Where the smaller boats have been improved, they have, I apprehend, been improved by the means of the fishermen themselves, derived from the increased prosperity of the fishery.

516. Have you ever heard it reported that since the famine, fish of all descriptions have very much decreased on the west coast of Ireland?—I do not know from what period it dates, but some descriptions of fish have nearly entirely disappeared; for instance, haddock and whiting have disappeared to a great extent upon the eastern coast, and have partially disappeared on the southern coast; and the coast guard officers in their reports of two or three years back particularly speak of the great scarcity of fish all round the coast. I am unable to say whether that is well-founded or not; it is their statement.

517. Colonel *Vandeleur.*] I believe the Fishery Commissioners are now under the Lord Lieutenant?—We report specially to the Lord Lieutenant.

518. They do not report to the Board of Works, but to the Lord Lieutenant?—The Commissioners of the Board of Works are the Commissioners for fisheries, with an inspecting Commissioner.

519. They report to the Lord Lieutenant?—They do so annually.

520. Do you conceive that if any change is made, the two inspectors who are proposed to be appointed next year to superintend the salmon fisheries will also be able to superintend the sea-coast fisheries?—I have no doubt that they could do so.

521. Do you conceive that it would be advantageous to the public interest that the salmon fisheries and the sea-coast fisheries should be combined in one inspectorship?—I am not aware what advantage would arise from it; it is perhaps a point upon which I can hardly express an opinion. To some extent I think that there would be a disadvantage.

522. Are you aware that in many parts of Ireland the boats which are employed at certain periods of the year in slip fishing, are employed at other parts of the year in herring fishing?—They no doubt pursue different kinds of fishing at different times of the year.

523. So that boats which are used for salmon fishing, could be equally well used in herring fishing?—I think not.

524. In the Shannon there has been a very large increase in the number of boats employed in slip-net fishing for salmon, and it is increasing; a large number of those boats will be equally well employed in the herring fishing?—That applies, I think, only to the Shannon.

525. You stated that the fisheries at Howth and Dublin had largely increased?—Yes; at Howth in particular.

526. Are you aware of the number of that class of boats which have been building in Dublin

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for that fishery?—I do not know the number; there has been a very large number; some have been built at Howth. They have been built at different places for the herring fishery.

527. Within recent years, have not a number of 40 and 50-ton boats been built for the herring fishery?—Cutters of the size mentioned are used entirely for trawling; the herring boats are of 20 to 28 tons.

528. But a considerable number of boats of that description have been built for trawling?—Yes.

529. At many of the places which were mentioned by the Chairman as not improving, Malahide, for instance, little or no fishing goes on?—Very little.

530. You mentioned that there was a very large mackerel fishery at Kinsale?—Yes.

531. The mackerel fishery is of very late date, is it not?—It has sprung up within the last three or four years.

532. Are you aware that a shoal of mackerel has also appeared on the western coast, near the mouth of the Shannon?—I have not heard of that.

533. I think you also mentioned that a consolidation of the fishery laws would be most important?—I am not aware of having been asked any question upon that subject.

534. Could you conceive that a repeal and a consolidation of all the fishery laws existing would be a very great improvement, and that it is very much required?—Yes; I think that they might be condensed with very great advantage.

535. Both as to the salmon fisheries and the sea-coast fisheries?—I think especially as to the salmon.

536. Mr. *Bonham-Carter.*] I understood you to say that an addition to the staff would be desirable. If the restrictions which at present exist were abolished, would you still hold the same opinion?—If all power of making restrictions were removed, the only purpose for which inspectors could be employed would be to ascertain the state of the fisheries round the coast, and to advise the fishermen; and therefore probably it would not be necessary to have two inspectors, perhaps one inspector would be sufficient in that case.

537. Could one inspector supervise the oyster fisheries, alone?—I think that one could do all that is necessary.

538. Are you aware that the Report of the Commissioners was, generally speaking, in favour of the abolition of restrictions?—I am aware of that.

539. Are you aware that a Bill is at the present moment in the House, for abolishing restrictions on the coast of Scotland?—I have heard that there is such a Bill, I have not seen it.

540. Is there anything very different in the circumstances of Scotland and of Ireland, which should make what is applicable to one inapplicable to the other?—I am not aware of any reason why one should differ from the other.

541. You, I think, stated either that trawling was supposed to be, or that you actually believed it to be, to a certain extent injurious. Is that opinion derived from any information which you obtained subsequent to, and in consequence of, the opinion given by the Commissioners, that trawling was not proved to be injurious?—It is an opinion which we have long held; it has not been formed subsequently to the publication of the opinion expressed by the Commissioners. We have always believed that it was injurious.

542. Have you undertaken, in consequence of the Report of the Commissioners, any special investigation, to lead you to confirm your own previous opinion, or to invalidate at all the opinion of the Commissioners?—We have made no experiments; but the expression of opinion by the Royal Commissioners led us more carefully to consider the matter, and to inquire into it, and to obtain all the evidence which we could upon the subject.

543. If I understand rightly, you yourself do not make the inspection, and the conclusions which you draw are not from your own impressions of the *viva voce* evidence, or from personal inspection upon the spot, but from documents which come before you?—Principally. Whenever I and my colleague, Mr. Le Fance, go on tours of inspection of other works, we take the opportunity of making local inquiries. I did so last year, on the south coast of Ireland, from Rosscarbery to Cape Clear. Again, at Westport, where I was recently, I made an inquiry, and wherever I go, I make inquiries.

544. Do you summon a court yourself at which people can give evidence, or do you merely go among the fishermen?—We merely go among the fishermen.

545. You have stated that there was, some years ago, a very great take of fish on the western coast; do you recollect where that was?—No.

546. Was it many years ago?—Yes.

547. Did it decrease, in your opinion, in consequence of trawling?—I cannot say on the western coast.

548. If that is true on the western coast, it is quite possible that if it was contemporaneous with trawling it might be attributed to that cause on the eastern coast?—Certainly.

549. Have you any scientific evidence, or any evidence of practical men, as to finding the spawn of deep sea fish on the coast, within 10 fathoms water?—No; I have never heard of any spawn being taken up and recognised as spawn, except in the Firth of Forth, in Scotland, under the direction of the Scotch Fishery Board.

550. Is there, in fact, any evidence whatever that the fish deposit their spawn upon soil, and that it is not floating?—There is no evidence of it.

551. I see that the system of loans to fishermen existed up to 1830. Are there any outstanding loans unpaid, or any loans which were made which have been since repaid?—It is stated in one of the early reports of the Board of Works, shortly after their first formation (I am not certain in which report, but it is in one of the first two or three of their reports), that there was a sum of, I think about 12,000 *l.*, outstanding debts, due by fishermen, and that in consequence of their poverty it was not considered advisable to press for the repayment of those loans which had been made to them, and they were therefore remitted.

552. General *Dunne.*] What was the date of that?—It is stated in one of the first reports (I am not sure which) of the Board of Works.

553. Mr. *Bonham-Carter.*] Are you aware that the system of advances direct for fishing was abandoned in Scotland?—I am not aware.

554. I presume that the excuse which you have mentioned on the ground of poverty would be

be a corroboration of your view, that if money were advanced merely upon personal security, there would be a risk of losing it, and that you, as Commissioners, would hardly like to advance it upon that security?—I think so.

555. Would you not, if such an application were made to you, say—"Money has been granted beforehand, and it has not been repaid?"—We might say so.

556. With regard to the payment for dredging or cleansing harbours; has the money advanced for that purpose always been repaid?—I am not aware of any loans having been made for that purpose. Loans have been made for the construction of piers and harbours in respect of the contribution of the proportion which it is required by Act of Parliament shall be made by the counties, or by individuals, or by the baronies, which is one-fourth of the whole cost, the other three-fourths being a free grant from Government.

557. Have you made no grant in any case of piers and harbours, that grant to be repayable?—We have made numerous loans towards construction of works in respect of which free grants have been made, and in a few instances for repair.

558. Are the instalments of those loans regularly repaid?—They are.

559. Assuming that you were to grant money for a pier, what step would be required to show that there was a sufficient demand to justify you in advancing that money?—I presume that the same course would be followed, which we now follow, when we receive an application for a grant, and a loan for the purpose of constructing a pier or harbour for the development of any local fishery. We, in the first instance, call for a report from the coast guard officers in the district, of their opinion as to the advantages which would be derived from such a pier or harbour. We also obtain a report from our Inspecting Commissioner, as to the existing extent of any local fishery, and the probability of an increase in such fishery from the establishment of a pier. If the results of these inquiries are satisfactory we then send down an engineer who makes a plan for what may be required, and an estimate of the cost; we will suppose that the cost of it is 4,000 *l.*, and that it is a desirable work; we then apply to the Treasury for a grant in aid of three-fourths of the cost, that is to say, 3,000 *l.*, and we intimate to the applicants for the pier, that if the Treasury sanction the grant we shall be prepared to make that grant upon their contributing the remaining one-fourth. If the contribution is made by an individual, and he asks for a loan of the fourth, we make that loan upon his giving sufficient security. If the proportion is contributed by the county, or by any baronies of the county, in which the harbour may be placed, we require a presentment for the amount, and we take the other steps, required by the Act of Parliament, authorising us to make those piers, and all having been adjusted we then proceed to carry out the work, if possible by contract, and if we cannot get any satisfactory tender then the work is carried out under our own officers.

560. You have said that the coast guard give the earliest information; do you mean the officers of the coast guard?—The inspecting officers of the different districts.

561. Are they called upon to give an opinion upon a speculation, supposing that a new fishery is started?—No such case has yet arisen.

562. I will assume that a loan for the encouragement of fisheries is permissible, and that such a case might occur, and that it might be thought advisable to establish works for fisheries at particular points. How should you arrive at the probability of such a speculation succeeding; would you take any other steps, except to have a report from the coast guard?—If such a system were authorised by Parliament, we should, of course, take care to make all due enquiry before recommending a loan to be made.

563. I see that you appreciate the difficulty of advancing money from the Imperial funds upon mere personal security. Is it not a part of your duty to see that the funds of the country are not lost in these sort of advances?—Certainly it is our duty.

564. A question was asked of a previous witness with regard to oyster-beds. Have you any instances in which works connected with oyster-beds coming within your province have been instituted?—We have given licenses both under the Act of Parliament of last Session, and under previous Acts, for the establishment of oyster-beds.

565. Does that involve any grant?—None whatever.

566. You have stated that the oyster-beds themselves could not be made a sufficient security?—Yes.

567. If the owners of the adjoining lands were to offer you security, would that, in your opinion, be acceptable?—I apprehend not.

568. If the property were free from incumbrance, I presume that the proprietor could raise money upon the unincumbered land if he wished to lay out money upon an oyster-bed?—Probably so.

569. You have stated that there are local jealousies among the fishermen?—Yes.

570. Would not that be a reason why you would hesitate to advance money?—Yes; so long as those jealousies existed; but there is every prospect of that feeling dying out.

571. Is there any prospect of the feeling that it is necessary to make restrictions at all dying out?—I think not; there is a very strong feeling on the part of the line fishermen in general (though it has died out in certain places, at Dingle, for instance) round the eastern coast, that trawling is injurious to them, and I do not see much probability of its dying out.

572. Are there no line fishermen in those parts where trawling has been permitted freely?—There are line fishermen there.

573. Do they complain?—They do not.

574. Mr. *Maguire.*] I wish to be a little clear as to the alleged debt of 12,000 *l.*, a statement of which appears in one of the first reports of the Board of Works. When was the Board of Works established?—In 1832.

575. When was that report made?—It was, I think, in one of the two following years.

576. Does it state under what circumstances that money was advanced, or under what circumstances that money was not repaid?—My recollection of it is, that it states that it was not desirable to press for the repayment of the money in consequence of the impoverished state of the persons to whom it had been advanced.

577. Is it the fact that during that time, or a little before that time, there had been a very general deficiency of the crops, and that the condition of the fisherman had been much impoverished?

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poverished?—I do not know what was the condition of the country at that time.

578. You do not know that in 1826 there had been a very serious deficiency of the crops?—I do not know.

579. That might have been the reason why the money could not be repaid?—It might have been.

580. Do you think it a good policy, national and Imperial, to endeavour to develop the fisheries of Ireland as much as possible?—Certainly.

581. You are quite clear upon that point?—Yes.

582. In order to develop them more, you would advise a more complete and perfect staff; that is to say, that the country should go to a large expense in order to have a more active and efficient supervision?—Yes; that is my opinion.

583. That, you think, would be attended with beneficial results?—I think so.

584. If you asked the State to incur the expense of an additional staff, do you not think that *à fortiori* it would be wise to ask the State to encourage the fisheries which those gentlemen were to inspect; which would be more advantageous to have, the staff, or to have the fisheries?—To have the fisheries.

585. Have not the fisheries very much fallen back?—It appears so.

586. Are you not in a position positively to state so to the Committee?—As compared with the state of things so far back as 1846, there is no doubt a falling off in the number of boats, and also of the people employed in the fisheries of the country.

587. Is that falling off attributable to any want of energy, or activity, or industry, on the part of the men themselves, or is it owing to causes which have affected the whole people more or less, namely, the famine and its consequences?—I believe that it is mainly due to the famine and its consequences.

588. Is it not the fact that that class of people who were engaged in fishing and farming, have lost in a very great measure both their boats and their gear, and the means of getting afloat again?—I think that the cause of the decay of the boats was the want of a market, either local or distant, for the purchase and absorption of the fish taken.

589. Has not that been remedied by the existing state of things, namely, railways, and other modes of transit?—In some places it has.

590. With reference to the fisheries of Scotland; have not the fisheries of Scotland, say, since the year 1830, been constantly encouraged and fostered by the state?—So far as I know, the main encouragement has been by having a staff more especially for the purpose of encouraging the herring fishery.

591. It has been encouraged by the State?—It has been encouraged.

592. At a considerable expense to the State?—Yes.

593. Do you not think that it would be wise, by judicious loans, to try and help these men, who are anxious to venture upon the deep, to provide themselves with boats and gear?—I think that considerable advantage might be derived from making loans to fishermen who follow fishing as a regular pursuit.

594. Have you visited the coast of the county of Cork?—Only the part from Clonakilty to the westward, as far as Cape Clear.

595. That portion, I believe, like nearly all the coast of Ireland, is very much exposed and liable to be affected by storms, is it not?—It is.

596. Have you heard complaints from time to time of fishermen's boats having been destroyed, in consequence of the want of proper piers and harbours to protect them from the sea?—I have not.

597. Have you ever heard the complaint that your Board were so injudicious in their plans for the construction of piers and harbours that many boats were destroyed in consequence?—I never heard that.

598. Did you never hear a complaint of any pier or harbour in the county of Cork?—I never heard of any complaint there.

599. Did you never hear of a complaint as to Ballycotton Harbour, which is between Youghal and Cork?—I never heard of any defect in it.

600. First of all, you think that it is necessary to encourage sea-coast fishing generally?—I think that it is desirable.

601. And you would not be alarmed by the idea of incurring liability at the end of 10 years of 12,000 *l.*, would you?—No; I should hope that if the advantages looked for were gained such a loss would not recur.

602. But even if it did, and if the loans in the meantime assisted in developing the fisheries, you would not consider it a great national disaster?—I think that with the certainty of such a loss as that before me I should not lend the money.

603. Even with such a loss in 10 years?—It would depend upon the proportion which that loss bore to the whole amount of money advanced.

604. You would not say the loss of that 12,000 *l.* in 10 years, which is 1,200 *l.* a year, would be a great national disaster?—I would rather give it as a grant than lose it, under those circumstances supposed.

605. Supposing that it happened that at the end of 10 years you lost that small sum of money, do you consider it a reason why judicious loans should not in the meantime be granted?—I do not think that a loss ought to be looked to at all.

606. I suppose that if the Commissioners exercised their judgment discreetly, a loss would not be very likely?—I should hope not.

607. But you are of opinion that a certain sum spent in loans would be just as desirable as a certain sum expended in a staff of commissioners or inspectors?—I think that they are both very desirable.

608. Do not you think that the making of loans for the improvement of the boats is as valuable as the other method?—I do not think that it is quite so clear an advantage.

609. Will you describe the superior advantage in increasing the staff, to giving more practical encouragement to the fisheries?—An inspector, by going round the coast, might discover what the causes of want of energy were, and by advice he might be enabled to remove the difficulties.

610. Supposing that there was a strong, sturdy, and energetic man who was disinclined to be idle, and was anxious to pursue the occupation of a fisherman, but who had not the means to provide himself with a boat, do you think that giving advice would be very valuable in such a case; what would be the advantage of advice from a well-paid inspector?—The man might see his way to borrowing money.

611. Borrowing it of whom; of his neighbours, as poor as himself?—From any source from which he

he might be able to obtain it; I cannot specifically point out from what source. If a man was a regular fisherman by occupation, and was only in want of a good boat to apply his knowledge and industry, I do not see any objection to making him a loan, if he could give a sufficient security.

612. By the Board?—Yes.

613. Do you think that there would be very much chance of that man receiving a loan from a neighbour in a village?—No.

614. It must be a loan to build a boat, and to procure the gear?—I think that in a good neighbourhood, such as Dingle, for instance, a man might be enabled to raise money, perhaps on credit, to construct a boat.

615. Do the circumstances of Dingle fairly represent the circumstances of the different little harbours, say round the counties of Cork and Kerry?—Not precisely, because Dingle is a prosperous place; it has become so of late years; the fishing is very good there, and it is possibly better than it has ever been; it is very remunerative, and therefore there would be a great inducement to anybody to lend money.

616. Dingle is a prosperous town, and is well populated, but it does not describe the condition of various other places round the coast of Cork and Kerry, does it; there are very few Dingles there?—There are very few indeed.

617. But there are many places where a fisherman would be well rewarded if he had a good boat and line?—There may be; but I think that what is most wanted for the encouragement of the fisheries is good roads and proper tramways, to enable the fishermen to avail themselves of good markets.

618. Supposing that there were tramways, and steamers, and every possible means of transmission, yet if a man could not fish, in consequence of the want of a boat, though he was willing to do so, all these means and appliances would not be of much importance to him?—Certainly not.

619. Would not the first thing be a boat?—If all those accessories were obtained, no doubt a boat is an essential matter.

620. Under any circumstances, you are not opposed to loans, in case of necessity?—I am not.

621. Sir *John Gray.*] Do you know what proportion the 12,000*l.*, written off in 1830, bears to the total amount of loans?—The whole amount advanced, I think, was 37,000*l.*; but over what period it extended I cannot say.

622. Was the 37,000*l.* the total amount placed at the disposal of the Commissioners, or does that represent the aggregate amount of loans made again and again to parties, because loans of that kind are repaid at one time, and are re-lent at another?—I am unable to say. That was the whole amount advanced on loan to fishermen, for the building and repair of boats.

623. I think that it was stated by the secretary on the last day of the examination, that the duties of your Board are very multifarious, and very onerous?—They are.

624. They are very diversified, and the other duties, besides the fishery duties, occupy very much of your time?—They do.

625. In fact, as regards the Board, the fishery question is quite a secondary question?—It is one of the various matters which altogether make the duty heavy and onerous.

626. It is not one of the primary duties?—It perhaps does not come in the first rank, but it is looked upon as a very important duty.

627. Practically you take most of your views from the inspector, who passes from station to station?—We do not take our views from him; but we take our information from him.

628. If I have rightly understood some of your observations to-day, you have admitted that the local inspector ought to give information from time to time to the fishermen on the coast?—Yes.

629. In fact, that he ought to be a sort of practical instructor to the fishermen?—Yes, that is my view of it.

630. One inspector would not be sufficient for that purpose in the whole of Ireland?—No; I think that there ought to be two.

631. Do you not think that it would be an advantage that there should be at the head of that department some person practically acquainted with the habits and the natural history of fish; and who thoroughly understood the matter, to act as a sort of check upon the inspectors?—If such a person could be found, I dare say that it might be beneficial.

632. I understood you to say that your own avocations were of such a nature that you had not had an opportunity of studying the habits and the natural history of fish?—Not to any very great extent. I have taken a great interest in the matter, and have acquired all the information which circumstances have permitted.

633. Do you not think that it would be well if the Fishery Department were placed under a special head; do you not think it of sufficient importance to have one person specially appointed to look after it?—It is of very great importance, but I can scarcely express an opinion upon what is the best arrangement; I can only say that we have given our best attention to the subject.

634. Mr. *George Clive.*] You have said that since 1846 there has been a decline of the fishing on the western coast?—Yes.

635. You are aware that since 1846 railway accommodation has reached the west?—It has, at Galway and Westport.

636. Westport is one of the places which is very much on the decline?—Yes; I believe that Westport never was a place of much importance.

637. But, as far as it goes, ought not the fishing to have improved after the railway reached Castlebar and Westport?—Yes.

638. But it has not?—It has not, so far as our best information has gone.

639. Are you aware of the distance from the coast of the best fishery ground on the west?—The ordinary fishery ground is not far from the coast; but the cod and ling fishery is a great way off.

640. And it would require a large capital?—Yes.

641. Quite beyond that of ordinary fishermen?—Yes.

642. Did you ever hear of Mr. Hector?—Yes.

643. Was his capital private capital?—Entirely private capital.

644. Do you know how many men he employed?—No.

645. Do you know why he retired?—He retired from his operations at Achill Sound in consequence of being prohibited from making use of bag-nets off the coast for salmon.

646. Mr. *Shaw Lefevre.*] That was salmon fishing?—Yes.

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647. Mr. *George Clive.*] Had he not a great manufactory of oil made from sea fish?—I cannot say so from my personal knowledge.

648. Did he not grant loans himself?—I do not know.

649. Have you ever seen the nets in use on the eastern coast?—Yes.

650. At Kingstown Harbour?—Yes.

651. Is there not a mile of nets?—Yes.

652. To whom do those belong?—To the fishermen themselves.

653. What fishermen?—Some belong to Dublin and some to Howth, but the greater number of fishermen come from Cornwall, the Isle of Man, Scotland, and so on.

654. They are chiefly foreigners?—Yes, I should say that three-fourths of them were so.

655. And the capital comes not from any loan, but it is individual capital?—I believe so.

656. Mr. *Kavanagh.*] You have said, that as regards your staff, they are rather short-handed?—Yes.

657. And that sometimes a clerk has been employed *vice* Mr. Barry when he has been ill?—A clerk always accompanies Mr. Barry on his inquiries, for the purpose of taking notes of the proceedings; and on the occasion of Mr. Barry's illness, that clerk received a regular appointment to hold the inquiry for him.

658. There were 38 districts, which you suggest should be visited once a year?—Yes, or twice.

659. What would be the object of visiting them?—To ascertain the condition of the fisheries in general, and to make more minute inquiries, and to instruct the fishermen, and advise them in their difficulties.

660. You said that you were rather in favour of the principle of non-interference. We will suppose that you had heard of trawling going on in a shallow bay all the year round; you would not consider yourselves called upon to take notice of it unless it came in the form of complaint from some party?—No; we should not consider ourselves required to interfere in any way, unless called upon by one or other of the parties interested.

661. Has it come before you in the shape of a complaint?—Yes.

662. Why do you consider that two inspectors would be required if you are only a court of appeal?—Because I think that the duty is more than one inspector could well perform. The extent of the coast of Ireland is very great, and I think that they ought to make probably two visits in a year to every station where there is anything of a fishery.

663. You think that going round to the fisheries would be of use?—Yes.

664. I see that you have stated that sometimes in Mr. Barry's reports there were some differences of opinion between him and the Commissioners?—No; not exactly differences of opinion, but he sometimes introduced matter which we thought it not desirable should appear in his report, considering that, to a certain extent, in publishing it we adopted it.

665. I thought that you mentioned that there were differences of opinion?—That was at the time when he was inspector; he put forward views which the Commissioners did not approve of; that was many years ago; it, I think, was at the period of the Commission of Inquiry in 1835, he expressed some very strong views upon the matter, which were not approved of. If I recollect rightly, he was for interference to a very great extent. The Commissioners were of opinion that it was desirable to interfere as little as possible with the free action of the fishermen.

666. You say that there has been a good deal of improvement in various places on the south-east coast, and you also say that you consider that the supply of fish is lessening?—I said that on the south coast an important fishery had sprung up within the last few years.

667. That is the mackerel fishery?—Yes, and hake; there has been an improvement also as respects the other descriptions of fish, in all probability from the boats having been engaged in the mackerel fishery, and when that description of fish has disappeared, those boats have gone to look for other descriptions of fish.

668. Have you any reason to suppose that the supply of fish on the coast has really fallen off?—The only reason to suppose it is from the general statements of the inspecting officers of coast-guard, who, with scarcely an exception, attribute the decay in the fisheries to the scarcity of the fish; I think, that there can be no doubt about it on the eastern coast. For instance, in Dublin Bay, the line fishermen state that whereas in former years they were enabled to capture a large quantity of fish, they can now get very few. It is so in Dundalk and in other places.

669. To what do you attribute that falling off?—I do not know to what to attribute it.

670. Have you ever heard to what the fishermen attribute it?—The fishermen on the east coast attribute it to trawling.

671. On the east coast, is it a sort of ground on which trawling can take place?—Yes; there are several banks off Howth, both to the southward and northward, where they fish with the long line, and also trawl.

672. With respect to a loan, if it were granted by the Government, do you think that there would be many applications for it?—Yes; I dare say that there would be a good number.

673. What class of men do you think would apply?—I think that the sea-faring people generally along the coast would be disposed to avail themselves of any opportunity which might be given of obtaining the means of building and repairing boats.

674. Do you think that it would be fishermen individually, or some leading man, such as Mr. Hector?—I have no doubt that some of the leading and energetic men would endeavour to extend their operations by means of loans, if they were available.

675. In former times when the loans were granted, what was the form of security?—I am not able to say; I believe that it was personal security.

676. I suppose that there were bonds, or something of that sort?—The fishermen gave promissory notes; we have not got in our department the records of the old Fishery Board, and therefore we are unable to give information upon the subject.

677. Have you any idea as to what they required; was it merely on promissory notes that they advanced the money?—The money which was remitted, namely, the 12,000 *l.*, had been lent on promissory notes.

678. Entirely?—I believe so.

679. There was no bail?—According to my belief

belief it was entirely, or nearly so, on promissory notes.

680. Do you know anything of a loan fund society in Dublin?—I am aware that there is such a fund.

681. Is it not for advancing money to help these fishermen?—Yes, they lend it without interest to fishermen, and I think to small companies disposed to engage in the fisheries.

682. Have you any idea of the working of that society, whether they have lost much money?—I understand that it has worked satisfactorily.

683. Not only as to the repayment, but as giving a great deal of help?—It is stated, I think, by their chairman, that they have given very great assistance, and have sustained no loss.

684. From your knowledge of matters in general, would you not assume that that was an evidence in favour of the Government also granting loans?—I think that loans from the Government are very different from loans from private parties.

685. How so?—I should apprehend that there would be less disposition to repay loans obtained from the Government, than to repay loans obtained from private parties.

686. With respect to the herring fishery, I believe that a good deal of it goes on upon the eastern coast?—A great deal.

687. In Scotland, I believe it is the fashion to brand the herring barrels?—Yes.

688. Is that system pursued in Ireland?—No.

689. Do you think that that would be a good plan in Ireland?—The policy of branding herring barrels in Scotland I think is objected to; but if it is desirable to continue it in Scotland, I see no objection to extending it in Ireland.

690. I understand that in Scotland they sometimes obtain 2 *s.* 6 *d.* a barrel more for branded herrings, compared with those which are not branded?—Yes.

691. And you consider that it would be a good thing to do that in Ireland?—Yes, if it is decided to continue it in Scotland.

692. With regard to the oyster fisheries, have you had much knowledge of their working?—Beyond giving licenses and obtaining reports from the persons to whom these licenses have been granted, I have no knowledge except a general knowledge.

693. Is it your opinion that artificial oyster beds succeed?—We have had no particular experience of the success of oyster beds. In two or three cases we understand that they have been successful. In Achill Sound they have done very well, and they have a good prospect there. It is particularly well situated, and where the ground is well situated it has succeeded very well; but I am afraid that the greater number of the places for which licenses have been given will not prove so advantageous. In one place, in Clew Bay, a fishing company have obtained a lease from the Marquis of Sligo of grounds which were licensed to him, and I believe that their operations are not successful; the ground is not suitable.

694. You say that you have not had sufficient experience to state that an artificial bed will be successful?—It is only of late years that these licenses have been given; very few of the gentlemen to whom licenses have been given have availed themselves of them.

695. You have said that some of the falling off in the fishing trade is attributable to the distance from market?—Yes.

696. Have you ever inquired into the fact, or has it ever come under your notice, of the curing and salting of fish, supposing that they are taken off a coast where there is no communication?—It is carried on upon a small scale at a number of points round the coast. Fish-curing establishments were set up during the famine; about 4,500*l.* was laid out upon those establishments, and they did a great deal of good; they afforded instruction in superior methods of curing, but I do not think that the information thus imparted has been taken advantage of to any great extent.

697. Have those establishments been left to fall?—The Government establishments were broken up after the famine.

698. They were not undertaken by any private individual?—No.

699. Mr. *Cooper.*] Do you think it possible to develop the fisheries by any means?—Yes, I think that they may be, to a great extent, developed by private enterprise.

700. And you think that an increase in the fishery staff would tend to develop them?—I think that it would greatly assist them.

701. How do you reconcile that statement with a previous part of your evidence, that there is now very little local consumption on account of the diminution of the population, and that there is the want of a good market; I think that you stated that you considered that the fishery on the coast of Ireland had fallen off because there was no local consumption, the population being smaller, and that there was not a market on account of the want of population?—Yes.

702. Then what are you to do with the fish if you catch it?—It of course will be necessary to provide a market for the fish: if there is not a market for it, it will be of very little use taking it. I think that all things must go together. For instance, off the west coast, off Galway, there are good fishing grounds; they are a long way from the town of Galway, which is the railway terminus, and if they had the means of taking their produce rapidly up to Galway, and so conveying it to Dublin, and for the English market, I think that the fishery there might be greatly developed.

703. What would be your rapid means of communication?—A tramway.

704. There are better points for fishing than from the town of Galway?—Yes; taking the coast outside the Bay of Galway, I think that if the fish taken there might be conveyed with greater rapidity, a good market could be found for it, which would encourage the men to fish.

705. Have you any personal knowledge of Galway?—Yes.

706. Do the Claddagh men fish now?—They are very indolent.

707. They used to fish only on one or two days in the week; do they fish more now?—I think not; they are very indolent.

708. But they do not object so much to the trawling as they did?—No, they have apparently given up their opposition to it.

709. Mr. *Shaw Lefevre.*] Is that since the Report of the Royal Commission?—Yes.

710. Are the boats now engaged in trawling in Galway Bay?—They are engaged in trawling in the outer part of it, close to the Arran Isles.

711. Are large vessels so engaged there?—Yes, I believe vessels of 50 or 60 tons.

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712. Mr. *Cooper.*] With regard to a close season in shallow waters and bays, do you think it important or not?—I think it important.

713. Have you now the power to take the initiative?—Yes, we have the power.

714. But you have never exercised it?—Never.

715. Do you think that you ought to exercise that power?—No.

716. You think that you ought to leave it to the local people to move first?—Yes.

717. Mr. *Shaw Lefevre.*] The herring fishery on the eastern coast of Ireland is mainly carried on by the Cornish and Scotch boats, is it not?—There is a considerable number of native boats; there are probably 100 native boats to 300 Manx and Cornish boats.

718. Was not the trawling introduced by the Cornish boats?—I am not aware of that; it was a good many years ago.

719. Are not many of the men natives of Brixham?—I am not aware.

720. If fishing was profitable on the western coast, would not the Cornish and Scotch boats have found their way there?—I think so; it is very precarious.

721. It is not such as to induce the Cornish and Scotch boats to come there?—I think not.

722. You signed the report of the Commissioners in 1865?—Yes.

723. Dissenting from the report of the Royal Commissioners?—To a very limited extent.

724. With regard to trawling?—Yes. Only in shoal waters.

725. That report was published very soon after the report of the Royal Commissioners?—In the following year.

726. Was not it only a few months afterwards?—Possibly so.

727. Between those two reports, had you held any further inquiries yourself?—We had held no special inquiries. In consequence of that report, we gave the subject a great deal of consideration.

728. Had any new facts come to your knowledge?—I may mention one thing; namely, that the statements of the trawlers themselves, to a very great extent, confirmed us in our views with regard to the effect of trawling, not in shoal waters, but in the broad waters.

729. Had any inquiries been held by your Commissioner upon the spot?—We had a special inquiry in Dublin as to the effect of trawling in Galway Bay.

730. That was before the report of the Royal Commissioners?—Yes.

731. Subsequently to the report of the Royal Commissioners, and before signing this report, in which you dissented from the report of the Royal Commissioners, had any fresh facts come to your knowledge?—No additional facts.

732. Was not your report mainly based upon the report of 1835?—No; but we took that into consideration.

733. I will read you a passage from your report of 1865: "The reports of former Commissions of Inquiry (and we more especially allude to the very full and comprehensive report of 1835), and all our own experience and investigations, have led us to the conclusion that within certain limits trawling is injurious to the interests of the fisheries at large?"—Yes.

734. I think you have told us that Dublin and Dundalk fishermen are very much against trawling?—Yes, the line-men.

735. I suppose that you are aware that trawling is prohibited both in Dublin Bay and in Dundalk Bay?—Yes.

736. Can you state whether any good has resulted from that prohibition?—Apparently not, for they complain of the great scarcity of fish.

737. You are aware that trawling has been actually prohibited in Dundalk Bay?—Yes.

738. And that the complaints against trawling outside the bay continue as they were before?—Yes; the fishermen complain of the great scarcity of fish.

739. And the same is the case with Dublin Bay?—Yes.

740. I suppose that you are not against trawling outside the bays?—Certainly not.

741. You confine your objection to inside the bay?—Yes.

742. Does not the fact of the prohibition of trawling not having done much good within the bays alter your views upon that point?—It is apparently against them, but still the general conclusion is that it is injurious; it must be so.

743. With respect to the bays on the western and the southern coasts of Ireland, supposing that you prohibited trawling in those bays, would you not put a stop to trawling off those coasts altogether?—Yes, if trawling was prohibited entirely within the bays, within the headlands, it would inevitably put a stop to it altogether.

744. Unless you allowed them occasionally to trawl within the bays in bad weather they could not carry on their trade at all?—The trawling is almost entirely within the bays.

745. It is only in very fine weather that they can go outside the bays?—Yes.

746. Take Galway Bay, for instance?—It is so.

747. Sir *Henry Winston Barron.*] You have stated, in your examination, that your Board decides not merely on the opinion of your inspector of fisheries, but on the evidence which is produced to you, taken on the spot by him?—Yes.

748. It therefore follows that you are in the same position as we are here, examining witnesses, who are brought forward for the purpose of supporting one view or another, with regard to the question of trawling?—I think that we are in the same relative position.

749. You examine the evidence which is produced and act upon it, and not merely upon the report of your Commissioner?—Just so.

750. You have mentioned in your evidence that vessels, and small vessels particularly, are in some parts of Ireland subject to great damage from the want of protection?—Yes.

751. Do you think that it follows from that, that more piers are wanted in several parts of Ireland?—Probably, in some places, additional piers would be very desirable. Whenever we receive an application for such an accommodation, we, without loss of time, make the necessary inquiry, and according to the result of that inquiry we accede to the application, or not. At the present moment we are taking steps to construct a pier and harbour at Spiddal, in Galway Bay, which will be of very great value to the fishermen in that locality, and several other parts in the same district. Whenever we are applied to, we, without loss of time, endeavour to carry out the object.

752. You

752. You are aware that some of the localities in Ireland, and perhaps some of those which are most in want of piers, are so very poor, and are so destitute of the residence of local proprietors, that it would naturally induce you to make inquiry on the spot, through your inspectors, to know whether such piers are required; do you not think that that would be desirable?—Yes.

753. Are you aware of the amount which has been granted by Parliament for the last 10 years to Scotland, for the promotion of fisheries in Scotland?—It is in a return.

754. I have the return in my hand, and it says that for the last 10 years 140,806 *l.* has been granted to Scotland, and 12,300 *l.* to Ireland?—Yes.

755. That seems to be a very serious disproportion?—The amount granted to Ireland is solely for the inspecting Commissioners, and for travelling.

756. Whereas in Scotland it has been distributed in various other modes?—It includes, for Scotland, 3,000 *l.* a-year for harbours.

757. Do you think that if there was a separate Commission or Board appointed in Ireland, the same as in Scotland, solely for the purpose of inspecting and promoting the fisheries, and with no other occupation, it would improve the fisheries in Ireland?—It might if all the advantages which Scotland possesses were extended to Ireland.

758. I think that you have stated that you arrived at your conclusion with regard to trawling in Ireland, not from any one inquiry, but from a great number of years' consecutive inquiry and experience on the subject?—It was so.

759. And not in consequence of the Report of the Commissioners who were sent specially for that purpose, or at least for a general inquiry in Ireland?—The statement in the Report of the Royal Commissioners of 1863 only led us to express the opinion which we had long formed, and which we had formed from many inquiries extending over a number of years.

760. Are you aware how long the Commissioners who were sent over specially to inquire into the subject in Ireland remained in the country?—I am not aware of the exact period.

761. You are aware that three strangers sent over, who perhaps had never visited the country before, could not have had the experience and knowledge which your Board would have, who were sitting continually in Ireland, and getting continuous evidence on the subject from various quarters and at various times; and who would consequently have an opportunity of knowing the subject better than three strangers who were sent there merely for a few weeks?—I think that we were better able to judge of the feelings and motives of the persons who gave evidence, and as we had more extended opportunities, I think that we were perhaps enabled to draw more just conclusions.

762. You never interfere with trawling unless a complaint is made to you by the locality?—We do not.

763. A part of your evidence went to show that the fisheries on the western coast of Ireland were not so prosperous as they were on the eastern and south-eastern and southern coast?—Yes.

764. Is it your opinion that that is partly attributable to the boisterous state of that coast in general?—Yes, it is in a great measure attributable to that cause, but mainly to the return of the migratory great shoals of fish on the eastern coast not having extended to the west.

765. But still the boisterous state of the coast, as a rule, must interfere very considerably with the fisheries?—It interferes very greatly; it renders the fishing extremely precarious; and for a number of months in the year the fishermen are unable to prosecute it at all.

766. That does not exist so much on the other parts of the Irish coast?—It does not.

767. General *Dunne.*] You say that at Kinsale there is a very large quantity of mackerel fishing at the present time?—Yes.

768. Does the hake fishing, which was the original one, continue in the same proportion?—Yes, and I think that it has increased.

769. Those are both by long lines?—The mackerel are taken by the drift net; the hake are also taken in the net, but more generally by the line.

770. You say that in Dublin Bay the fish have fallen off very much, haddock for instance?—They have.

771. Do you think that that is a continuous deficiency, or only one of those things which occur at intervals on all coasts?—The deficiency has existed for a number of years. Last year there was an indication of the return of the haddock in considerable quantities, and also of whiting; but I do not think that it has been maintained in the present year.

772. The fishermen attribute that deficiency considerably to trawling, do they not?—I do not know that they attribute the disappearance of the haddock entirely to trawling, but they attribute the deficiency of fish generally to trawling.

773. That is all through Ireland?—Yes, on the eastern coast, but not on the western coast.

774. In Cork Harbour, where there has been trawling for several years, do they attribute the deficiency to that cause?—I never heard of it.

775. Do they attribute it to the steamers in Cork?—I never heard that.

776. You hold to the opinion which you expressed in your Report, that trawling is injurious?—Yes.

777. You say that you have never seen spawn taken up in quantities?—Yes.

778. Have you ever seen small fish taken up?—I have not seen it myself, but I have heard that they have been taken up in great quantities.

779. Are a number of fish destroyed by the means which are adopted?—There is no doubt of that fact.

780. With regard to the loans of 1830, I presume that all the work which you had to do was to collect the debts of the previous Commissions?—That was all.

781. None of those debts were under your cognizance?—No.

782. Do you know from what time those loans were made?—They were issued by the Lord Lieutenant under the authority of various Acts of Parliament.

783. Was one of those Acts the Act by which the Scotch now get a large loan every year?—The authority to make the loans was incorporated in the same Act.

784. Do you know the reason why they have stopped it in Ireland, and have continued it in Scotland?—I do not.

785. Has any inquiry been recently made upon

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upon the subject of the legality of stopping those Irish loans?—There was an inquiry with regard to the legality of stopping the advances under the Act of the 59th of George III. and under a subsequent Act of George IV.

786. Was any legal opinion taken as to the right of the Board of Works and the Irish Government to stop those loans in Ireland which were continued in Scotland?—Yes.

787. Can that opinion be produced?—It was printed. I think that it was presented to Parliament.

788. At what date was that?—Some time last year.

789. As to loans, are you aware of a society in Dublin which now makes loans to fishermen?—I am.

790. It is a voluntary society with a small remnant of a sum advanced many years ago?—Yes; it is the balance of a fund which was subscribed, in fact, for the relief of the distressed population many years ago; I think in 1826; it is a balance of 15,000*l.*; it is vested in Trustees, who, I think, principally apply it to aiding fishermen in obtaining boats and gear.

791. Is not that fund managed extremely well?—I do not know anything about it myself, but I hear that the result of their operation is extremely satisfactory.

792. Have you heard whether there are any losses?—I understand that there are no losses.

793. Are you aware what the security is?—I am not.

794. Is not the money very often advanced to fishermen on their own security, with the counter security of their landlord in some places?—I am unable to say.

795. As to the branding of herrings; is the result of Irish barrels of herrings not being branded, to prevent their being sold at a higher price?—It might prevent their obtaining the same price for their cured herrings. if sent into a foreign market; but no herrings have been so exported; they have all been consigned fresh to the English market.

796. To have that brand, must there not be an expensive machinery?—It would, possibly, be necessary to have four branding officers.

797. And at present there is nothing of the sort?—There is not.

798. Advances are now made for landing piers, are they not?—Yes.

799. Those advances are sometimes made on the security of the proprietors?—To a limited extent.

800. Was there one made at Ardglass the other day?—Ardglass is not a case in point.

801. Must not the size of the boats on the western coast be increased before the men can fish with safety?—They must be very largely increased to fish with safety at a distance from the shore.

802. The bank on which there is the largest amount of fish, is about 60 miles out at sea?—Yes.

803. Do you think that the sail-hookers could go out?—They might.

804. Do not they at present go out to a very great extent?—Yes, they do occasionally.

805. Mr. *Shaw Lefevre.*] You have said that the herrings are all sent to the English market fresh?—Yes, a very great quantity was sold during the last season.

806. The great bulk was sold fresh?—Yes.

807. Therefore there was no great demand for curing-houses?—No, there was not.

808. They fetch a better price fresh?—Yes.

809. Are you aware that the Royal Commissioners reported against the Scotch system, and that they reported against the Scotch fishery laws?—I am not aware of that.

810. *Chairman.*] Why do you not comply with the Act of Parliament by furnishing your report at the commencement of the Session, from which non-compliance considerable inconvenience has been felt by members of the Committee?—We must wait for those from whom we get information; we do not receive the reports from the coast guard officers until perhaps the end of January, and I have done all in my power during both the last and the present season to push it forward; but I have unfortunately failed in doing so.

811. Could not you make arrangements so that Parliament should have your report at the commencement of the Session, as prescribed by Act of Parliament?—I think that we ought always to have it ready at the end of February.

812. There have been great complaints that delay has ensued in holding the oyster investigations, and also in furnishing the license afterwards. Can you state why it is that your Board causes such delay in that respect?—I do not know that there has been any particular delay in holding meetings; the Inspecting Commissioner, whose duty it is to hold those meetings and inquiries, submits to the Board a list of the different places which it is required that he should visit for the purpose of holding inquiries, and he is instructed to hold those inquiries; there are some in the south and others in the north, and there is inevitably some little delay in holding inquiries in such distant localities; but I am not aware of there having been any delay of any importance in holding the meetings. With regard to issuing the licenses, we have had to take the matter into very careful consideration; the evidence has frequently been so conflicting that we were obliged to take time to consider the whole matter. In any case where there has been a clear ground upon which to give a license, there has been no more delay than could be avoided, in order to comply with the requirements of the Act of Parliament. In cases where there has been doubt and difficulty, there has been unavoidable delay.

813. In one case, namely, that of Mr. Austin, it was 15 months from the time when he made the application, till the time at which the license was granted?—There were several inquiries upon Mr. Austin's application, and there was a very great deal of opposition to it on the part of the oyster fishers in Clew Bay; and it was only on a compromise with these dredgers that a license was granted to him at all. I think that the delay in that case could not be avoided.

814. Last year a Bill relating to oysters was introduced on the authority of the Chief Secretary and was passed, which enabled landlords to put a veto if they chose, upon the planting of oyster beds even below low-water mark adjoining their lands. Do you think that such a power is desirable. Take, for instance, the estuary of Limerick Harbour, or the estuary at Waterford; the Marquis of Waterford and Earl Fortescue own the ground upon one side of the estuary; if they do not choose to plant oyster beds themselves, the Act of Parliament gives them power to prevent anybody else from doing so. Do you think that such a power

a power is desirable, particularly below low-water mark?—No, I do not think that it is desirable below low-water mark. There may be some inconvenience from persons at a distance, who have no interest in the locality, having an oyster bed in a narrow estuary. But, upon the whole, I consider that there is no sufficient reason why that power should be enforced.

815. An honourable Member asked you whether you were aware of any case in which an artificial oyster bed has succeeded. Take the case of Earl Fortescue and of Mr. Edmond Power, of Tramore, who both have planted artificial oyster beds. Has not it succeeded so far as both those gentlemen have gone?—We send annually a circular to each of the proprietors, or other persons to whom licenses have been given, begging them to favour us with the result of their operations. In a good many cases we have received no replies, but in others we have received them. As regards Tramore Bay, No. 31, we have given the correspondence in our report for 1866, which is all the information that we have respecting that bed.

816. What is it?—The statement as to Earl Fortescue's operations is—"In reply to your communication of the 21st inst. to Lord Fortescue, asking for a statement of his proceedings in reference to the oyster license granted him in 1864, I am requested to state that the oysters then and subsequently laid down have done well, and a small quantity of them have been disposed of." The letter goes on to say, "There has been a very slight, hardly perceptible deposit of spat in the course of the past summer. No fresh addition has been made to the oyster parks erected on the foreshore."

817. What does Mr. Power say, who is in the same locality?—He states, "I beg to say that in my report of last year to the Commissioners, I stated that I was about making an experiment in oyster culture by forming a tank inside my embankment, having reclaimed about 200 acres from the sea. I have not carried out this experiment as yet."

818. Has not oyster culture in the Island of Rhe and at Lahillon been a great success?—At *Isle de Ré* they were very successful for a time, but during the last few years they have failed; at the other place I think they have been more successful. It all depends upon the nature of the soil on which the oysters are planted, and the locality.

819. Has your Board ever suggested an inquiry relative to the fishing grounds round the coast of Ireland?—No.

820. Do you think that it would be desirable?—It might be so. I presume that the question applies to the distant fishing-grounds.

821. I will take the case of the Nymph Bank; was not that bank ascertained some 50 years ago by a Government vessel called the "Nymph," and from which the bank is named?—I am not aware of that; I dare say that it was so.

822. Was not the discovery of that fishing ground entirely owing to that Government survey?—I am not aware of that.

823. General *Dunne.*] Will you look at the twelfth clause in Mr. Blake's Bill; there are certain regulations as to trawl and drift nets; do you think that those regulations are advisable; do you approve of them?—In two places, namely, Galway and Wexford, we have made bye-laws prohibiting the trawlers from approaching too near the herring boats engaged in fishing; and it would certainly appear to be desirable that the trawling vessels should not run through the long lines of drift nets fishing for herrings. Whether it is necessary to enforce that regulation by statutory power I cannot say.

824. Have you ever turned your attention to that distance of two or three miles?—I have considered the subject, and I think that as a matter of regulation it is desirable that the trawlers should be prohibited from running into the drift-nets which are fishing for herrings.

825. And you think that that distance is fully sufficient?—Yes.

826. Do you think that the west coast of Ireland would be benefited by French vessels coming there?—I can scarcely conceive of their coming there, when they have so much better fishing grounds nearer at hand.

827. But would Ireland receive any benefit from their coming there?—I can scarcely answer that question.

828. Within the three-mile limit, would there be any advantage in allowing French vessels to come there?—I have not considered the question.

829. Mr. *Shaw Lefevre.*] Before you came to your conclusion with regard to trawling, did you read through the evidence which had been taken?—A great part of it.

Wednesday, 5th June 1867.

MEMBERS PRESENT:

Sir Henry Winston Barron.	Mr. Herbert.
Mr. Blake.	Mr. Kavanagh.
Mr. George Clive.	Mr. Shaw Lefevre.
Mr. Cooper.	Mr. Maguire.
General Dunne.	Sir Graham Montgomery.
Sir John Gray.	Colonel Tottenham.
Mr. Ion Hamilton.	Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

Sir JAMES DOMBRAIN, called in; and Examined.

Sir *J. Dombrain.* 5 June 1867.

830. *Chairman.*] You have filled the office of Inspector General of the Coast Guards in Ireland?—I did so from the year 1819 till 1849.

831. Before that time you were an officer in the Royal Navy?—Yes; and I had been for three years Deputy Comptroller General of the Coast Guard in England, assisting in the reorganization of the force then employed in the prevention of smuggling; and in 1819 I was specially selected by the Lords of the Treasury to proceed to Ireland to organise and establish a similar force there.

832. Previously to your holding these offices, you were an officer in the Royal Navy?—I was.

833. Then we may assume that you are tolerably well acquainted with all nautical matters?—I hope so.

834. In what year did you retire from the Coast Guard Service?—In January, 1849.

835. While you were Inspector General of the Coast Guards, it was your duty to visit every coast guard station in Ireland once a year?—It was.

836. How many coast guard districts are there?—I do not know exactly, but I believe that there are about 38 or 39 districts, and I think about 160 stations.

837. You visited those districts once a year?—Yes.

838. And did you visit a great many of the smaller stations besides?—The greater number.

839. Every year you had a fair opportunity of knowing the state of the Irish fisheries?—Certainly.

840. And it is also a subject to which you have given considerable attention; and I believe that you have yourself been engaged in some fishery enterprises?—Yes; I was engaged in one or two companies, with the consent of my superiors.

841. Shortly before your retirement from the coast guard service, you were appointed one of the Ballast Board in Dublin, were you not?—I was.

842. It is the custom for a certain number of the Ballast Board, each year, to visit every lighthouse in Ireland, is it not?—Yes; that was a system which, I may say, I pressed very much upon the Board. When I joined it no such practice had been observed.

843. That has been the practice for the last 17 years?—It has been the practice for the last 17 or 18 years.

844. You have usually accompanied the committee of the Ballast Board upon that inspection?—I have, upon almost every occasion.

845. So that since your retirement from the coast guard service you have thus had an opportunity of keeping up your knowledge with respect to the coast?—Certainly, that has kept it very vividly in my recollection, and I have been able to recall to my memory the different stations and places which I have been in the habit of inspecting so many years before.

846. Have you a pretty accurate knowledge of the fisheries previously to the famine, particularly in the years 1845 and 1846?—Yes.

847. There were a much greater number of boats, and men and boys, engaged in the Irish fisheries at that period than there are at present?—A much greater number.

848. Do you know the exact proportion of the falling off?—I do not.

849. You are aware, I believe, that the boats have fallen off at least one-half, and the crews are reduced to nearly a third?—Yes; so I have been informed and believe.

850. Was not it supposed that previously to the famine, when there were something like 113,000 men and boys employed in the fisheries, and close upon 20,000 boats, the fisheries of Ireland were capable of giving employment to a much greater number of persons than were engaged in them?—There is no doubt of it whatever.

851. Before the famine, when the number of boats and crews stood at the highest, I believe that there was not the same encouragement for the fisheries, in the way of facilities for reaching markets, as there is at present?—No; the facilities are much greater now than they were then.

852. The railway system in Ireland was not then carried out so extensively as it is now?—It was not.

853. For the purpose of reaching the railway stations, fish jolters were generally employed?—Yes.

854. Which, I believe, is a very undesirable way of conveying fish?—Yes.

855. From your previous answers, you appear to

to believe that there is quite as much fish upon the coast of Ireland now as there was at that time?—Yes, I believe so; but I believe that the fish are very uncertain and very precarious.

856. In your recent visits, have you found that, in addition to the diminution of the fishing population by famine and emigration, there were a great number of persons who formerly followed the pursuit of fishing obliged to give it up by reason of their poverty, and consequent inability to provide themselves with boats and gear?—I believe it to have been the case that the famine almost completely stripped them of everything they had.

857. And that many of them have not recovered themselves to this hour?—Yes.

858. Therefore a number of persons have had to dispose of their boats and gear?—Yes.

859. And others have had to let their boats and gear get into disrepair?—Certainly.

860. Are there at present, upon the coast of Ireland, numbers of young men who never follow fishery pursuits, but who would do so if they had the means of providing themselves with fishing appliances?—I think that if proper encouragement was given to them, and if they were put under proper management, it would tend very much to restore the fisheries of Ireland.

861. Do you think that loans might be advanced with safety to the coast population, for the purpose of putting them into a position to follow fishery pursuits?—Yes. If it was practicable, and if the machinery could be established for doing it, I should prefer that it should be by inducing people of respectability to join in forming little societies or companies, in different localities for the purpose of prosecuting the fisheries; and I would prefer that any loan should go through them, and that they should have the management of it. I may mention that I am at this moment concerned in a company which has been newly established in Ireland, called "The Marine Salts Company of Ireland," and that company, before they receive one pound's worth of kelp in return, advance, perhaps, many thousands of pounds to the poor people through the winter. There has not been an instance of those people having failed to fulfil their engagements. We have no legal lien upon them beyond the paper which they sign, which I now produce, and many advances are made to them all through the winter, beginning probably in November. I think that at this moment the company have advanced upwards of 3,000 *l.*, and they have not got one shilling's-worth of material from the people as yet; but we have no doubt whatever that they will fulfil their engagements as punctually and as honourably as they have done before.

862. They have done so hitherto?—For many years before there has never been an instance of a single person failing in his engagement.

863. Then you have to depend upon their personal honour in the matter?—Entirely so.

864. Will you read that paper to the Committee?—"We, the undersigned, do hereby agree to burn and sell to the Marine Salts Company of Ireland, per Michael Tierney, their agent at West Port, all the kelp we will burn the ensuing season, say up to the 1st October 1867, at the sum of 4 *l.* 10 *s.* sterling per ton of 22½ cwt., and in virtue whereof we agree and accept from the said agent, Michael Tierney, the sum of money set opposite our names and marks, and to give good and pure kelp, free from any mixture or adulteration, and made of the red sea rod and weed, and in default thereof, we are subject to reduction of price, or refusal to take any kelp, and to be sued for loss and damages. The kelp to be delivered at the store at Clare Island. Given under our hands this day of 18 ."

865. You have stated that you have advanced a large sum of money to the coast men?—This year fully 3,000 *l.*, more especially to that part of the coast which is now labouring under very great distress.

866. Do you find that they have kept faith with you in the preparation of the kelp?—They have been collecting the seaweed for a considerable time, and drying it for the purpose of burning, and getting into a proper state, and I have no doubt that every pound will be returned to us.

867. It was stated by an Honourable Member in the House of Commons, that the decline of the fisheries in Ireland might be, in a great measure, attributed to the violent conduct of the Irish fishermen, and the conflicts which often occurred between those pursuing different modes of fishing; do you think that that is correct?—I certainly do not; I think that a more quiet and amenable set of people do not exist, than the fishermen generally. Of course there may be one or two exceptions; in Galway Bay there have been little squabbles between the Claddagh men and the people who go out to trawl in the bay; but with that exception I do not know of anything of the kind. I have gone a great deal among the coast population, as you may readily suppose, and the Ireland of former years was not the Ireland which it is now; there was no accommodation, there were generally no roads, and there was great difficulty of locomotion, and in getting any vehicles, or anything of the sort; but you will now find inns in almost every part, and in all that difficulty has vanished. I was frequently obliged to sleep in open boats, and in the cabins of the people of the country, and I never met with the slightest incivility.

868. Is not almost the universal character of the coast population, who are engaged in the fisheries, that of being peacable and well conducted?—Most decidedly it is.

869. And I believe that neither in the disturbance of 1848, nor during the late insurrection in Ireland, have any fishermen been involved?—No; that appears to have been so. During the whole of the movement which has lately taken place I have not heard of a single fisherman among the coast population being detected as belonging to that movement.

870. Is it not also the fact, that during the Crimean War, when it was found essential to employ a great number of the coast guard of Ireland for the purpose of performing naval duty in the Baltic and elsewhere, and when the fishermen round the coast were appealed to to volunteer for the protection of the revenue and guarding the coast, they were found to respond to that call?—They did so in considerable numbers.

871. And did not they perform their duty on that occasion in the most exemplary and satisfactory manner?—I have always heard so.

872. Have you read the recommendation of the Commission directed by the Lord Lieutenant to be held in 1836, with regard to the sea coast fisheries with respect to loans?—I have.

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873. That recommendation was, I believe, that loans should be given in aid of local efforts, and that loan funds should be established in different parts of the coast for the purpose of assisting fishermen to provide themselves with boats and gear?—Yes.

874. Do you entirely approve of that recommendation?—I most entirely approve of it. As I have said, I would rather that it should be done by local machinery, if it could, instead of its going direct to the fishermen.

875. Was not it the fact that the loans advanced under the former loan system were productive of great advantage in inducing a large number of persons to enter upon fishing pursuits in Ireland?—No doubt it had a very beneficial effect.

876. Do you think that the sum which is represented to have been lost at that time was very well spent in encouraging that object?—Certainly.

877. From your long knowledge of the coast population as well as the experience which you have acquired in the mercantile undertaking in which you are now engaged upon the coast, you believe that the coast population might be relied on to repay those loans?—Most decidedly I think that they would do so, provided that you did not extend it over too long a period. I would suggest that all those loans should be repaid in as short a period as possible, because if it is left too long they begin to forget the matter, and there is a difficulty in getting the moneys returned.

878. Is it not the fact round the coast of Ireland generally, and especially upon the west coast, that the avocations of farmer and fisherman are generally combined?—Generally so.

879. Do you think that that is desirable?—I think that it is not only desirable, but absolutely necessary, because I do not see how any people can attempt to follow the fishery as a pursuit of itself. The tempestuous nature of the coast on the west coast of Ireland is such that there may be a period of months when the men cannot get out.

880. Therefore a man who combines the pursuits of farmer and fisherman can follow his farming pursuits until he sees a favourable opportunity for going to sea?—Certainly.

881. And if he followed the fishing pursuit altogether he might be for very many weeks idle?—Yes, as I have already observed, he might be idle for months.

882. You have had some experience with regard to large fishery companies in Ireland?—Yes.

883. You have been concerned in some enterprises?—Yes, I was concerned in one or two; in one particularly, into which I was led as well as others by the idea that the deep sea was a vast source of wealth in fishing, and that it had only to be followed up properly with proper vessels, in order to be remunerative, and we provided vessels of 50 or 60 tons, and tried the experiment, but it was a total failure. The fact is, as I have observed before, that the coast is so tempestuous, and the sea so heavy, that no vessel can remain out when it comes on to blow hard; and then when the vessels go into port they may remain there for a month or six weeks, the crews all this time having to be supported, and there being, of course, no return to the proprietors and shareholders of the vessels.

884. Mr. *Ion Hamilton.*] Was that enterprise which you have mentioned confined to the west coast?—To the north-west coast of Ireland, Donegal principally.

885. *Chairman.*] The great cause of your failure upon the west coast, I believe, was that your crews were obliged very often to remain idle in harbour in consequence of the tempestuous nature of the coast?—Exactly so; the vessels could not remain at sea, and of course the crews had to be supported.

886. Is it your opinion that fishing enterprises in Ireland generally, and especially upon the west coast, would be best undertaken by small local companies, they being conducted and worked by the parties themselves; and also enterprises carried on by individual fishermen?—I am decidedly of opinion that it would be the most judicious course to give encouragement and fostering care to the little societies which might be established for the fisheries. If they succeeded, and got on well with what I may term the shore fisheries, at no great distance from the land, and got a little capital, they might get a vessel of their own. If such a vessel, belonging to such a company, engaged in the deep sea fishery, came back, she might be laid up, and the crew might be discharged, and a boy would be sufficient to take charge of her, and there would be no expense in that way. Such a fishery might be profitable.

887. I presume that your idea is, that there might be, say, half a dozen fishermen owning such a small boat?—Yes.

888. And that those fishermen might combine for the purpose of having a 40-ton trawler?—Yes.

889. In which boat they could prosecute the fishery upon occasions further out to sea?—That is precisely my view of it.

890. Then you are decidedly in favour of small local companies formed in that way?—Yes.

891. And also of encouraging individual fishermen?—I myself think that there is no other plan; the deep sea fishery off the west coast of Ireland has been so often tried, and has so often failed (in fact, I know of no success which has ever attended it), that I consider the other the best plan.

892. Have other companies, which were formed with a good deal of skill and enterprise, turned out universal failures?—Completely so; I should mention that when I embarked in that undertaking I first obtained the sanction of my superiors to giving wherever we could, without interfering without other duties in the coast-guard, any assistance which we were able to give to the company, and still, notwithstanding all those advantages, it was a complete failure.

893. During your experience, have you known some large fishing companies set up in Ireland with a large amount of capital, and with a paid chairman and secretary, and Board of directors?—I am not acquainted with the particulars as to the management by companies, but I know that such companies have existed, and that they have all gone to the bad.

894. Did you ever know a large fishery in Ireland which did not turn a decided failure, and result in loss to the shareholders?—Not one.

895. Do you think that such companies on a large scale are likely to succeed in Ireland?—I believe not.

896. Do you believe that it is essential for the success of fishery companies that the parties connected

nected with them should be upon the spot, and should be practical working men themselves, and should pay close personal attention to everything connected with them?—I think that that is the only plan; there is one man who had retired from the coast guard, of the name of Savage, living near Belmullet; he established a fishery there, and I believe that he has been very successful, for he told me himself that he had sent two cargoes of fish, which he had saved, to Spain or Portugal; that place is Tip Harbour, near Belmullet.

897. Colonel *Vandeleur.*] What was the size of those cargoes of fish?—I do not know, but I should suppose about 70 or 80 tons.

898. *Chairman.*] Along the Clare coast, the Mayo coast, Galway, Donegal, and portions of the south coast, and the south-east coast, and the north-east coast, are there not a great number of people who might be stimulated into activity if they were provided with the means which I speak of?—I should think it most likely that it would be so in all those places; they have ready markets on the whole of that coast; we may say, that from Kinsale to Belfast there are ready markets for anything which they can take.

899. It is complained that what fish are captured in those places, have no local market for them, and also that there are no means of conveyance to the nearest railway stations; do you not think that if fish were captured in all those large places, a carrying or jolting trade would be likely to be established, so as to convey the fish away to the nearest stations?—I presume that you allude to the west coast of Ireland, from Cape Clear to the Giant's Causeway. I think that one great loss very often is from their not being provided with salt when they have a great take of fish; they sometimes have a very considerable take of fish, and then they find that they have no salt to cure them.

900. Would not the extension of railway communication, especially coast lines, be highly useful in developing the fisheries?—I am sure that it would greatly tend to the development of the fisheries.

901. Have you ever considered the subject of trawling?—I have never practically gone into the matter myself; there are such conflicting opinions respecting it, that I would hardly offer an opinion as to trawling.

902. You are aware that most of the bays and estuaries in Ireland, have restrictions placed upon them with regard to trawling?—I am, but I think that there were more fish caught when there were no restrictions than there are now.

903. Do you think that those restrictions in certain of the bays of Ireland are calculated to prevent the investment of capital in fishery enterprises?—As I observed before, there is such a diversity of opinion upon the subject, that one can hardly judge respecting it; some persons think that the use of trawls in the bays is injurious by disturbing the spawn, others, on the contrary, think that the scraping of the ground by a trawl affords food for the fish, and that it brings them into the bays. There are much more learned and scientific gentlemen here than myself, who can give you better information than I can.

904. Do not large shoals of fish very often come into the bays which cannot be captured by small boats, and which might be captured by trawlers, in say six fathoms of water, and is it not the case that those fish very often escape?—There is no doubt of that, particularly when the herrings set in; the herrings are always followed by large quantities of both round and flat fish, and it is then that the trawls could certainly be used to great advantage.

905. On the subject of oysters, do you think that the cultivation of oysters could be carried on in Ireland to a much greater extent than at present?—I think so, to a very great extent indeed.

906. Would they not yield a large profit, and give very increased employment?—Very great indeed.

907. I presume that you have read the Bill which is referred to the Committee?—Yes.

908. Have you read the clause, and do you approve of it, which would enable owners of property adjoining the sea, upon giving their land as security, to plant oyster beds?—I think so, but I think that the Bill only authorises it as far as low-water mark, except afterwards upon the certificate of the inspector; now, I think that it would be far better if it was clearly defined at once to what extent you would allow a person to go, and if you gave him a right over it as far as you granted the authority; I think that it would be very bad to have it in abeyance, and to leave it to the inspector afterwards, to decide how far a person might extend his jurisdiction; I think that if it was defined in the first instance, how far he might be allowed to dredge for oysters, it would be desirable; I have known instances in which proprietors have planted beds themselves, and when it was only to low-water mark that they could go, they have frequently had their oysters plundered; people have come at night, at low-water mark, and have walked off with them; I therefore think that you ought to give the proprietor, whoever it may be, power to go a certain distance beyond the low-water mark.

909. You perhaps mistake the purport of the clause in the Bill; it is, "It shall be lawful for the owner or occupier of any land bordering on the sea or any estuary, with the permission in writing of the inspectors, or for any person or persons, with the consent in writing of such owner or occupier, and with the permission in writing of the inspector, and approved of by the Lord Lieutenant or other chief governor, to form or plant any oyster bed, or laying on the shore adjacent to such lands, and between high water and low water mark, and above or below the level of the lowest water mark of spring tides; or for any person or persons, without such consent as aforesaid, and with the permission of the inspectors, to form or plant any oyster bed below low water mark, as the said inspectors shall think fit"?—Yes, that is with the permission of the inspectors. I think that if a license is applied for to plant an oyster bed, it would be better at once to define the limits to which that power should extend.

910. If you give permission below low water mark, it may go to any extent outside it?—Yes; but it is by the consent of the inspectors. I understood the clause to require the sanction of the Lord Lieutenant.

911. It is to be recommended by the inspectors, and subsequently approved of by the Lord Lieutenant. Of course the inspectors in the first place must make their investigation, and report, and see whether it is desirable to grant a license, because in certain places objections, and

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just objections, have been made against the planting of oyster beds as interfering with the navigation?—Yes; I did not read it in that sense.

912. Do you think it desirable to empower the landlord, in an estuary, for instance, such as at Waterford harbour or at Limerick, to have a veto upon the planting of an oyster bed, if he does not choose to plant an oyster bed himself; do you think that it is politic to give him a veto as regards the planting of oyster beds by other parties below low-water mark?—I think that if he does not do it himself, there ought to be a power to allow any person to do it.

913. The reason why I asked you the question was, that a Bill was introduced and passed last year, giving landlords the power not to plant oyster beds themselves, and to prohibit any other person from planting them?—I think that it is very proper that if the landlord does not so himself, any other person should be permitted to do so below low-water mark.

914. Do you know the extent of the fishery staff in Ireland?—Mr. Barry, I believe, is the only Inspecting Commissioner now. Mr. Ffennell was in that capacity.

915. Do you think that the inspection and the necessary supervision of the fisheries in Ireland can be carried on by so small a staff as that?—Certainly not; I think that there ought to be two inspectors constantly going round the coast inquiring into the condition of the fisheries, and pointing out any improvements which may be made, examining the boats and gear, and giving every encouragement that they possibly can.

916. You know something of the Board of Works in Ireland?—I do.

917. That board, I believe, have very multifarious and onerous duties to perform?—They have.

918. And their hands, I think, are generally very full?—I have heard so; indeed, I think that Colonel M'Kerlie told me himself, the other day, that they were very much overwhelmed with business.

919. If you have no objection, will you state exactly what Colonel M'Kerlie said upon that point?—I think that he said that they were so oppressed with business at that moment, that he hardly knew which way to turn, or something to that effect.

920. That he and his colleagues had so much to do, that they were in that condition?—Yes. I know that what they do is most satisfactory to the public.

921. But they are very hard pressed with work?—I think that they are.

922. Do you not think that it is very desirable that the department of the Irish fisheries should be placed under a board who would be able to devote not only a considerable amount of time, but their whole time, to the subject?—I decidedly think so. I have read that portion of the Bill which recommends two inspectors, and so far I disagree with it. I think that there should be three. I think that there ought to be one resident in Dublin, who should go out occasionally if he chose; I think that there ought to be a supreme head, for when there are two persons of equal authority in a department they are very apt to clash; and I think that it is not so satisfactory as when there is a supreme head to control the other two.

923. Do not you think that the decisions upon fishery subjects would be better arrived at by two or three gentlemen who were constantly visiting the coast, and devoting their whole time and attention to the matter, than by a board composed of a majority of gentlemen whose other duties prevented them from making themselves as practically acquainted with the subject as is desirable?—Most decidedly so, and I should think that they would be very glad to get rid of it.

924. Then you think that it would be for the interest of the fisheries, for the convenience of the Board of Works, and for the advantage of the public, to remove the fisheries from the Board of Works, and to make it a distinct department under the general control of the Irish executive?—I think so.

925. Do not you think that if the Irish fisheries were properly developed they would serve as an important source of supply for manning the mercantile and Royal Naval Marine?—No doubt of it.

926. Are you aware that in 1780 the Irish Parliament voted a subsidy to the Royal Navy of 10,000 men, in order to carry on the war at that period?—I have heard so.

927. Were not a great number of those men supplied from the fishing population, and from those men who had been originally engaged in fishing?—I believe so. I apprehend that they had some nautical knowledge.

928. If such a necessity arose again, that could not be done under existing circumstances?—No.

929. But the fisheries might be so developed as that it could be done?—Yes, if the fisheries were encouraged and got up to the extent to which they were before.

930. That would give the fishermen employment, and at the same time would form a reserve for the mercantile and naval marine?—Yes.

931. As an officer of considerable experience, do not you think that it would be a politic thing on the part of the Government to give that encouragement, and that it would be a means of putting an end to the disaffection of the country?—Most undoubtedly it would be a means of doing so.

932. Colonel *Tottenham.*] Do you know anything of the condition of the naval reserve in Ireland?—I do not, except from hearsay.

933. You do not know anything of its numbers?—No.

934. Or of the localities which furnish the greater number of men?—No, I am not acquainted with that.

935. But, from general considerations, you think that any encouragement to the fisheries would materially increase the number of men to join the naval reserve?—I decidedly think so.

936. You say that you advocate the appointment of three inspectors, one of whom would be the chief, and the other two would be colleagues?—Yes, those two would be constantly moving about.

937. You advocate that upon the ground that two inspectors are apt to clash?—Yes.

938. Supposing that two inspectors were appointed, and that the coast was divided between them, so that there should be only one inspector to each division, would not your objection be removed in that way?—I think not; perhaps one might consider that he had a great deal more to do than the other; and I think that they would be almost always clashing. I think that it is very

very undesirable to have two persons of equal authority.

939. If the country were divided by superior authority, would it not be the case that there could be no room for the objections of those inspectors as to the amount of work?—I do not know that.

940. That is to say, their objections could have no practical influence?—I only say what I have seen from experience; and, judging from that experience, I think that it is far better to have a supreme head, rather than having two people of equal authority; that is my idea.

941. Supposing that your suggestion was adopted, would you have both inspectors visiting the same localities?—No; I would let it rest entirely with the head of the department, who would arrange it in any manner which he thought proper; and I think that, perhaps, it would be very desirable for those inspectors to change districts occasionally, one going to the south and the other going to the north, and one going to the north and the other to the south; because it would then give them a general knowlege of the whole of the coast of Ireland.

942. Still, might not one of them complain of an excessive amount of work being put upon him?—I do not know; of course the head of the department would be best judge of that as to whether it would be unfair or not.

943. Mr. *Herbert.*] Can you state how many men would be required to work trawling boats on the west coast, of a suitable size and fit for that coast?—A trawler is a large vessel of 50 or 60 tons, and it would certainly require six, seven, or eight men.

944. Do you think that there are sufficient farmers along the coast, and who are also well enough off to be able to provide boats of that class?—I think not, at first; but by degrees I think they might raise funds sufficient to enable them to purchase a large vessel.

945. Do you think that they would find security?—I think that if they were taken in hand by local machineries, and encouraged in that way, a sinking fund might be created by them which would probably enable them to get a vessel of that size.

946. Do you think that those companies which you have spoken of have failed from the want of fish, or from bad management?—Certainly not from bad management, but I think that they have generally failed from the want of fish; fish are very uncertain; they will appear at one time on one part of the coast, and will leave it, and you will not see them there again for years.

947. You think that the fishing would be better carried on if the men engaged in it were farmers as well as fishermen by trade?—Yes; I do not think that men could ever follow fishing as a trade by itself, on the west coast of Ireland especially.

948. Colonel *Vandeleur.*] Is it not the fact, that there are very few places along the western coast of Ireland where trawlers of 50 tons could find sufficient shelter?—I decidedly think that they would find shelter; there are numerous harbours on the western coast of Ireland.

949. Are there harbours on that coast where the boats could find proper shelter, and a good station for fishing, so as to get in and out in all weathers?—The question is, where is a good station for fishing? About six years ago, I was off the Island of Innisbofin, which is off the coast of Mayo, near Clare Island; that has always been considered a good fishing station, and when we passed it, I suppose there were from 150 to 200 vessels and boats fishing, and there was a great take of fish. I passed it last year in the same month, and I believe nearly on the same day, and there was not a single boat; there was not a fish to be caught.

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950. What were those boats fishing for?—For hake, ling, haddock, cod, and turbot.

951. What description of boats were they?—A great many of them were hookers; they were good-sized boats.

952. Where did they come from?—Westport, Belmullet, Clare Island, Achill Island, Clifden, the coast of Connemara and Galway.

953. Is it not the fact, that where you find fish one year you do not find them the next?—It very often happens that fishermen set up their operations upon the coast, and there comes a heavy gale of wind, which not only disperses the boats but disperses the fish, and perhaps you do not find them again in the same locality for years.

954. I think that, from the answers which you have given, you would recommend that loans should be made for the purpose of establishing small companies for building and fitting out a better class of vessel, that is to say a vessel of 25 tons?—I would confine it in the first instance to row boats, shore boats; what I term the shore fishery, where they have not any very great distance to go; and then, if they got on and were successful in their fishery, they might create a fund by which they might get a large vessel.

955. About what would be the cost of a row boat?—About 15 *l.*

956. Fitted out?—Yes.

957. To your knowledge, are there any small companies round the coast which have been formed among the farmers?—No, I have heard of none; I heard that the Rev. Sir William Palmer had endeavoured to establish a small company, and had got a small steamer to work from Westport to Innisbofin, but that it had failed, there being no fish.

958. I understood you to state that every deep sea fishery to which you had hitherto had anything to say, or which you had known of, had failed?—They have all failed.

959. *Chairman.*] That is on a large scale?—Yes.

960. Colonel *Vandeleur.*] I think that there was a small company formed in Galway a short time ago?—I am not aware of it.

961. It was formed by a gentleman who belonged to Dublin, but he had his boats in Galway Harbour?—I was not aware of that company at all.

962. You have stated that you are engaged in the Sea Salts Company?—Yes.

963. And that you have advanced 3,000 *l.* for kelp?—Yes.

964. How is that arrangement made; is it by the ton?—Yes; it is stated in the memorandum which I have read, that the men agree to supply the kelp at 4 *l.* 10 *s.* per ton of 22½ cwts.

965. That system, I think, is adopted in other trades in Ireland; butter factors in many parts of the country agree with the farmer beforehand to take his butter, and advance money upon it?—I am not acquainted with that.

966. Do you think that the loans would be a sufficient encouragement to farmers or persons

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connected with land in that way, unless you could in some degree secure them a remunerative price?—I think that no doubt a remunerative price would now be got for almost anything which can be procured from the sea; the markets are much more easily reached now than they used to be; for instance, from Dingle I believe that they can run to Tralee, where they get the railway, and again at Galway there is a railway; at Westport there is a railway now, and at Sligo there is a railway; that must make a very considerable difference in the transport of the article which is obtained.

967. But the fish not being there except at uncertain times, the fishermen do not attempt it?—I think that there is always a certain supply of fish near the shores to which the operations of these small societies, in my opinion, should, in the first instance, extend; but I am speaking more of the shoals of fish which are supposed to come in in great numbers upon the western coast, and do occasionally.

968. You have stated that when herrings appear on the shore in large quantities, hake, and cod, and ling, and other fish invariably follow?—Yes. I remember that in Donegal, nine or ten years ago, an officer of the coast guard, when the herrings made their appearance, shot long lines, and upon almost every hook he had a turbot. There was an immense quantity of fish; those fish were following the herrings, but the herrings are very uncertain.

969. You know Killybegs?—Very well.

970. You are aware, I dare say, that some time ago, very large quantities of herrings were caught upon that coast?—I remember the time when there were hundreds of boats employed in the herring fishery there; and the herrings continued to come in there annually for some years; but latterly they have entirely disappeared. I also recollect that at Rutland, they were in very large quantities. They have never appeared since. A gale of wind came on and broke up all the nets, and the shoal of fish went off, and they have never appeared since. That is 19 or 20 years ago.

971. Is it not the fact that the fish have now appeared at Howth, and that there is a great take there?—There is a very great take there; but there is a very great take all along the coast of Ardglass and the Isle of Man. I suppose that I counted 400 or 500 sail of boats last summer off the Isle of Man.

972. With regard to the companies who would receive loans or encouragement to build large boats, that is to say, boats of 50 tons, you do not suppose that those boats would be manned by farmers?—I think that those persons are amphibious animals; they are neither soldiers nor sailors, but they understand and manage the boats very well.

973. Do you conceive that they would apply themselves merely to the fishery in their own locality, or that they would go round the coast?—I think that they would apply themselves to the fishery in their own locality. But if the fishery was well managed you would probably raise up an independent race of young men who might be induced to take to the deep sea fishery, if there was encouragement.

974. From your knowledge of seamen you are aware that when once a man takes to the sea, he does not often go back to the land?—He does not.

975. With regard to the naval reserve men, the naval reserve men I believe are all trained seamen?—I do not know; I cannot speak at all from my own knowledge of the naval reserves.

976. They are men who have been at sea, and not merely shore men?—I do not know.

977. Where boats of a large class were built, do you conceive that these men should be classed as farmers or as fishermen, being of the seafaring race. When men went out in 50-ton boats and sailing vessels of that class, would they not take to them as a profession?—I think that they would eventually, if they were successful.

978. In the evidence which you gave to the Royal Commissioners, you were asked "What proportion of the so-called fishing population are real fishermen, who live by fishing," and your answer was, "Very few indeed; at the same time at places, such as Waterford, Dungarvan, and Kinsale, there are people who live entirely by fishing, but almost all the rest are fishermen and farmers, and probably at the very time when they would have more chance of success than at another, they are mostly attending to their farms;" that is to say, that at the time when they would have more chance of success in fishing than at another, they are mostly attending to their farms?—Yes, that is very likely.

979. Do you conceive that it would be desirable to do away with the power of the Fishery Commissioners to make bye-laws?—I think that they ought to have power to make bye-laws.

980. Do you conceive that the regulations for trawling and other modes of fishing must be modified occasionally as circumstances require?—Decidedly so.

981. There is a clause in the Bill before the Committee with respect to regulations as to agreements between the owners of fishing vessels and their crews; do you conceive that that would be necessary?—I think that that is one of the most important features in the Bill. I know a gentleman who started in a fishery at Howth last year, and the moment that it was showing signs of success all the men struck for wages, and he could not compel them to go on. I think that there should be a power to punish the men just the same as there is in any trade if you find them combining in that manner.

982. Would not the existing law apply to them as well as to servants?—I am told not.

983. If a farmer takes a servant in Ireland he takes him by the year, or for six months, or for a quarter, and that servant is bound to serve him, and is subject to be sent to gaol if he refuses, or misbehaves himself?—I rather think that at Howth the system is more what may be called copartnership. I think that the men have a certain share of what is taken, and that that is the way in which they are paid, and they stick out for a larger amount of share.

984. Would you not say that that was entirely different from wages?—At present it operates in the way which I have mentioned.

985. The form of agreement in this Bill would not apply to co-partnership?—I think that there should be something which should reach that system in whatever way it is done. I consider that there should be something which should compel a man to follow the pursuit, the same as a farmer could compel a servant to remain with him.

986. If it is done by shares, and if you have made an agreement, you cannot well break through that agreement?—But the men strike for a larger amount

amount of share, or they will not go to sea. The gentleman to whom I have alluded embarked 2,000 *l.* in the fishery, and he lost it.

987. Can you suggest any way of controlling that?—Only by introducing a clause into the Act by which the men could be had up before a magistrate, and could be punished, if they did not comply with their agreement.

988. The clause in the Act applies merely to servants; if you take the crew of a vessel, they sign articles; every crew going to sea signs articles of agreement to take such and such wages, and to serve for such and such a time?—I do not think that that is the case at Howth.

989. I refer to a merchant ship, a coaster?—The coasters I know are regarded as sea vessels.

990. With reference to the oyster fisheries, would you recommend that licenses should be given in the deep water adjoining to the beds of owners who had a previous license for the fishery between high and low water?—Yes.

991. The original license runs from high to low water, or a little beyond, and by this Bill another license could be granted beyond that again, in the deep water?—I think that it ought not to be granted until it had been publicly advertised, so as to see whether any objections were raised by the public against it.

992. Would you not conceive that it might be very injurious to the owner of a bed which had been established, to have an exclusive right given to somebody else immediately outside him?—I think that if there is nothing of the kind in existence at present, it does no harm to any one, but increases the quantity of fish.

993. You are aware that planting oysters is generally done between high and low water mark?—Yes.

994. It is never done in deep water, that I am aware of; suppose that there is 18 or 20 feet rise of tide over that?—I know that in many cases oysters are dredged at a greater depth than that.

995. Do you not also see that the proposal which is made by this Bill would be a great interference with the public right of dredging?—I think that where there is no right at present exercised by the public, they would have nothing to complain of.

996. But the public exercise a right of dredging outside low water?—Where no such right at present exists on the part of the public, or where it is not exercised by them, I do not see that you do any harm by granting an exclusive right to the owner of the land adjoining.

997. I am not speaking of the land?—The water.

998. It is contemplated under the Bill that another license should be granted outside a previous license?—Yes, I understand that.

999. Therefore if the person who had obtained the first license had laid down his oysters, and if the oysters were increasing and the spat was increasing, he wishing to preserve his own, his neighbour would be dredging up his oysters, that neighbour having procured an exclusive right to fish immediately outside him?—If you give a right to the proprietor of the soil where the public now exercise no right whatever upon it, I do not see that you can do any harm to the public.

1000. I do not refer to the original license which has been given along a certain line of shore; but the point which is put forward in this Bill is, that the fishery inspector should with a certain consent have a power to grant another license immediately outside a previous one; that is to say, in deep water?—Yes, I understand that; I see no objection to it myself.

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1001. That is to say, if it is given to the owner of the previous license?—To the owner of the previous right.

1002. Would you conceive it just or right that a stranger should come outside another person holding a previous license?—I think that if that person will not use it himself, or apply for it, or obtain the power over it, it is then quite right that the public should come in if they please and obtain the same right over it as he would have had if he had taken it. I think that if he did not take it himself, and did not allow anybody else to take it, it would be very bad policy indeed.

1003. *Chairman.*] What the honourable and gallant Member means, I think is this: supposing that he, for instance, has an oyster bed in an estuary adjacent to his lands, he asks you whether you think that it would be judicious to allow another oyster bed to be planted outside it in the estuary by another person, in deep water?—I say that if the owner having that oyster bed does not choose to obtain in his license authority to carry it out to a further extent, and if the public are desirous of obtaining it, I do not see why he should neither take it himself, nor allow anybody else to do so.

1004. You would not object to the planting of an oyster bed outside, even though the previous party was working his oyster bed, if it did no injury to his oyster bed?—Precisely so.

1005. Colonel *Vandeleur.*] Are you aware how far into the sea the oyster licenses are generally given?—I am not aware of that at all.

1006. General *Dunne.*] I think that there are two properties; there is first the property down to low water mark, which is private property?—Yes.

1007. And there is also the property beyond that, which is public property?—Yes.

1008. You do not wish to interfere with private property?—Certainly not.

1009. You only think that the public property, if not acquired by the parties inside, should be used as public property?—Yes.

1010. Sir *John Gray.*] I understand you to say that if the owner of the property adjoining the sea took an oyster bed to a certain extent reaching into the sea, you see no objection to giving a license to another person applying for a license for an oyster bed outside it, but you made some proviso; did I rightly understand the proviso to mean, that provided the owner of the soil did not acquire a preferential right to the bed outside, it should be given to the public?—Certainly.

1011. Do you think that any injustice might be obviated by giving a preferential right to the person who first had an oyster bed?—Precisely so. It is like the case of an embankment where the frontage proprietor has a claim, to a certain extent, to all the slob land in front of his property. I know that in the reclamation of Wexford Harbour, the frontage proprietors could demand compensation for that which was taken outside, as far as low-water mark, though they had not used it.

1012. Colonel *Vandeleur.*] I must remind you that what I am speaking of is beyond low-water mark?—Yes. I say that if the proprietor, having

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planted an oyster bed down to low-water mark, applies for an extension beyond low-water mark into deep water, I think that he ought to have a preferential right to it, but if he does not choose to exercise that right, I think that the public ought to be allowed to come in and to claim the power to plant an oyster bed outside the other bed.

1013. Are you aware that at present when you apply for a license for an oyster bed, the Commissioners are very jealous of going beyond low-water; that they conceive that beyond low-water it is generally considered the right of the public to dredge, and not the right of the proprietor?—Yes; but I think that if you want to multiply your fisheries, and particularly the oyster fishery, you ought to give some encouragement to people to plant outside the low-water mark, if they wish to do so; and I would give them right and authority over such portion as might be deemed advisable.

1014. The planting of oysters is invariably done, so far as I am aware, between high and low-water mark, and it is necessary to look after your oysters occasionally?—Yes.

1015. The spat of these oysters then runs out into deep water, or anywhere, and supplies not only your own bed, but very often all the neighbouring ones?—I am not acquainted with the nature of the habits of oysters.

1016. Sir *John Gray.*] I understand you to say that nearly all the fishing companies have failed?—All.

1017. Have you read Mr. Barry's report, dated the 12th of April 1867?—No.

1018. Are you at all acquainted with the progress or proceedings of the Cork Fishing Company?—Not at all.

1019. Mr. Barry states, in his report, that the Cork Fishing Company has been a success; that they have divided more than 10 per cent., and have a large balance over?—In my replies I entirely allude to the western coast of Ireland, and not to the southern coast of Ireland. I am not acquainted with that.

1020. You have given some attention to the herring fishery, what is your opinion of the advantage or disadvantage of the system of branding as followed in Scotland?—I think that it is important, as giving the herrings a sort of character, but the manner in which they treat them in Ireland, is very different from what they do in Scotland. In Scotland they are well prepared before they put them into casks; they are cleaned and properly packed, and everything is done in a very different manner from what they do in Ireland. In Ireland generally the salt is thrown on the herrings, and there is an end of it.

1021. If you had a better system in Ireland, would you like to see the branding process adopted in Ireland?—Certainly.

1022. Has not the branding given the same value to small cures as to large cures, and in that way equalised the value of those first sent to market?—I am not aware of that.

1023. It is so stated in the Scotch report?—I am not aware of it.

1024. There is an objection on the part of the large curers, to continue the branding, and the small curers are in favour of it?—I cannot speak upon that point.

1025. You made some allusion, as I understood you, to the necessity of some strong penal clause being inserted in the Bill, for the purpose of carrying out the contract between the owners of vessels and the crews, do you mean it to be a criminal prosecution?—No, merely a fine.

1026. A civil penalty, so that the owners should not be disappointed in the middle of their fishing, by finding the men refuse to go on.

1027. What was the usual proportion given to the Howth fishermen, in the case to which you have alluded?—I do not know what the agreement was, but I know that there were agreements between them, and that the men struck because they thought that they should have a greater proportion of the profits.

1028. Do you know the general proportion about Howth?—No.

1029. I believe that the system of shares is very exclusively practised at Howth?—The system of shares is very general; so much goes to the boat, and so much to each man. I think that generally it is divided into ten shares; two shares to the boat, a share and a half to the captain, half a share for a boy, and a share each for the men. I think that is the usual mode of dividing the profits.

1030. The two shares to the boat goes to the owner?—Yes, to the man who owns the boat. I believe that the man at the Inn at Howth, owns two boats, and hires them out in that way.

1031. There he practically has one-fourth?—Yes.

1032. He finds the boat?—The boat and everything.

1033. Mr. *George Clive.*] An Honourable Member asked you as to the planting of a second oyster bed outside another?—Yes.

1034. Suppose that I have property on both sides of an arm of the sea, and that on each side, as far as low-water mark, I have had power from the inspectors to found an oyster bed, and that I have properly exercised that power, and have done all that I could to accomplish the object; and supposing that in the middle between the two shores there is a tideway below low-water mark, what is your idea as to that; would you grant the proprietor the whole of that, or would you leave it to the public?—I would first ask whether any power is exercised by the public in the space alluded to.

1035. We will assume that it is, and if it is, you would maintain it?—I think so.

1036. Supposing that it has never been exercised?—If it has never been exercised, then I would give it to the proprietor of the two shores adjoining.

1037. You would not admit any dormant right in the public?—Certainly not.

1038. You have said that companies should be encouraged and got up?—I rather said societies.

1039. What did you mean by engagement and getting up?—If the Government provided funds out of which they would lend twice the sum subscribed, I think that if those societies exercised a proper and judicious management, they would receive a portion of the money back every time that fish was taken, and in the course of time they would be able wholly to refund the amount to the Crown.

1040. Would you have it merely a loan society?—I would merely have it as a loan to such parties. You generally find that the clergymen of all persuasions are anxious to support a thing of that kind.

1041. Supposing that the company failed, what would become of the money advanced by the Government?—

Government?—I cannot imagine that they could fail, because the money would go out in gear and in the repair of boats.

1042. Is it your idea that there should be any security for the Government loan?—I think that there should be security.

1043. What security?—I have not given my attention to that point.

1044. You are very familiar with Donegal?—Yes.

1045. Are the harbours on that coast good?—They are; I do not think that there is any part of the coast there which you could improve in the way of harbours; there is very good anchorage; there is not a finer harbour in the world than at Killybeg's.

1046. Is the bottom at Killybeg's fit for trawling?—No.

1047. Or any where along that coast?—Yes, there are some trawling grounds off the Giddore.

1048. They are very rare?—Yes.

1049. You say that six years ago you were at Innisbofin?—Yes.

1050. There was a wonderful take of fish there at that time?—There was.

1051. Was not that a very peculiar year?—Yes.

1052. A year which has no parallel that we know of?—Just so.

1053. You have also spoken of Sir William Palmer's attempt to get up a fishing company?—Yes; it was only the other day that Colonel M'Kerlie told me that Sir William Palmer had not been successful.

1054. Do you know whether Sir William Palmer ever contributed one shilling?—I do not know.

1055. With regard to the crews of the vessels, is it with the idea of punishing a man that you state that you would inflict a fine?—Yes.

1056. And in lieu of that fine, would you impose imprisonment?—Yes.

1057. That imprisonment to be inflicted by magistrates?—Yes.

1058. You are aware that this is merely a civil contract?—Yes.

1059. Are you at all cognisant of the law upon those subjects?—Not at all.

1060. Do you know any instance in which a civil contract is enforcible by imprisonment?—I am not aware.

1061. Do you think that it would be possible to get the Legislature to adopt such a cause as that?—I think that there ought to be something.

1062. Are you aware that last night a Bill was read a second time, destroying all power of imprisonment even in questions between master and servant?—No.

1063. If that is so, would it be likely that that penalty could be extended to such compacts as you describe?—Certainly not; if there has been a law made to abolish it.

1064. Mr. *Kavanagh.*] With regard to the Sea Salts Company to which you have referred, you say that you have advanced 3,000 *l.* this year to fishermen?—Yes.

1065. On what plea do you advance the money?—It has been the practice, and the people are so badly off that they cannot get through the winter without some aid of that kind.

1066. It is merely to assist themselves, and it is not to provide materials?—It is merely to assist themselves.

1067. They do not acquire boats with that assistance?—Not at all.

1068. Do you think that if this power to lend money was granted by the Government, the local farmers would be likely to form companies?—If it was taken in hand by a few people of respectability, and if they would give their attention to it, and would endeavour to manage it, I think that it would succeed.

1069. You think that they would form societies among themselves?—I think that they would.

1070. Under whose control is the coast-guard now?—It is now under the Admiralty. There are two officers in Ireland who do the duty which I did myself. Ireland is divided into two portions from Galway to Wicklow Head, and from Wicklow Head round to Galway the other. One of those officers is the officer who commands the "Royal George" at Kingstown; and the other is the officer who commands the ship at Queenstown; I do not recollect her name.

1071. Do the coast-guard still afford to the Board of Works the same aid as they used to do?—I do not know.

1072. Do you not think that the Board of Ireland Fisheries might be very well amalgamated with the Board of Sea Coast Fisheries in a general board?—I think that it should be a general board for the fisheries of the country.

1073. In speaking upon the supply of fish, at first I understood you to say that you thought that there was now as much fish on the coast as there was formerly?—I think so.

1074. But in another part of your evidence, you stated that the supply of fish was variable?—Yes; and it always has been.

1075. That is to say, that it is variable as to the place in which it is found?—Yes, they shift their locality. I recollect once passing the Killeries in the summer time, and there was an enormous influx of herrings; but the people there had no salt, and no nets, or anything.

1076. Herrings are a migratory fish on any coast?—Yes.

1077. What is the case with the other sort of fish?—The other sort of fish are constant within a few miles of the coast. In speaking of the large general supply which people suppose is on the west coast of Ireland, I think that it is very uncertain; but I think that there is always a certain supply within a reasonable distance of the coast.

1078. Are there not supposed to be some first-rate fishing banks about 20 miles from the coast?—I have often heard that people say that there are great banks outside, and so on. I know that several trials have been made, but they have all ended in nothing. I recollect Mr. Maurice O'Connell, some years ago, applied to me to help him in getting a small grant to set the question at rest, whether or not there was a large bank outside Valentia, about 60 miles off the land. I did so, and he spent a fortnight or three weeks at it, but found no fish.

1079. It is not your opinion, from your knowledge, that anything like the banks of Newfoundland exists along the west coast of Ireland?—Certainly not.

1080. You have said that some small society was got up by the Rev. Sir William Palmer?—Yes, I only heard from Colonel M'Kerlie the other day that Sir William Palmer had endeavoured to get up, or had got up, some small company, but had not been successful.

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1081. You attribute that want of success to the want of fish?—Yes, and perhaps next year the fish may set in there in great quantity.

1082. But not such fish as turbot, and haik, and ling, and so on?—Yes.

1083. Are they variable also?—Yes, it is such fish which are variable.

1084. You stated that you believed that the companies which were previously formed, failed on account of the tempestuous weather on the coast?—Yes.

1085. The boats could not be kept constantly fishing?—They could not be kept at sea; I will give an instance of it. I recollect that at one time when I had a large revenue cutter of 170 tons, at Galway, I was most anxious to get her round, and so was the commander, and it was three months before you could make Dublin.

1086. In the face of that, how do you think it would do to have the crews of these fishing vessels bound by articles?—I think that there should be something to bind them in the employment to which they engage themselves.

1087. Supposing that they were thrown idle for three months?—I was not speaking of those fishermen, I was speaking of the herring fishermen, when I said that they should be bound by articles; upon the west coast of Ireland, I think that it should be a voluntary thing; they would be all in copartnership I think in boats, if these little societies were established.

1088. I suppose that you have seen a good deal of the fishing off the west coast?—At times, I have seen a good deal of it.

1089. Has it ever struck you, that a new market might be opened there in the way of oil?—I considered that subject at one time; I recollect a gentleman coming over to Dublin, who was going to make a great deal of the refuse of fish, by extracting oil from it, but it came to nothing.

1090. Can you undertake to say why this oil scheme failed?—I am not aware of the causes of the failure.

1091. I believe that there are materials which would make it in plenty?—I believe that now it is used a good deal more as manure; I believe that in Galway, for instance, any refuse, or anything of that kind, is used upon the land.

1092. Is there not an immense quantity of dogfish?—Yes.

1093. The bays have been strewed with them?—Yes.

1094. It was, as I know, at one time, proposed to start a company to boil them down; you cannot give any opinion upon that matter?—No.

1095. Most of the cod-liver oil, I believe, is made from sharks' livers?—That is very likely.

1096. Mr. *Cooper.*] Do you consider fishing a profitable occupation?—Not of itself, except in the great herring fisheries.

1097. I am speaking more of the west and north-west?—Certainly; not of itself.

1098. It must be combined with farming?—Yes. There are no people who are solely devoted to fishing upon the west coast of Ireland.

1099. Has the price of fish risen of late years?—Yes, very much.

1100. That is, to the consumer; but has it risen to the fishermen?—Yes. I may mention that I was at Innistrahul, on the coast of Donegal, last summer, and I could go to the ponds and choose any turbot I liked there alive and swimming about, for which I had to pay 5 *s.*, and I can recollect the time when I paid 1 *s.* 6 *d.*

1101. That profit goes into the pocket of the fisherman?—By the number of steamers going from Derry to Liverpool and Glasgow, they get a ready market for the fish.

1102. Yet by the last Report of the Fishery Commissioners, we find that in the boats and tackle there has not been much improvement. If the fishing was profitable, could not the men replace their boats?—They are very improvident, unless they are looked after. That is why I argue that if these little societies could be got up, who would look after the fishermen who are improvident, it would be an advantage. Nothing, probably, has increased so much in price, on the west coast of Ireland, as lobsters. Lobsters are now a great article of commerce by the fishermen. I remember when 2 *d.* or 3 *d.* was a fair price for a lobster, and now it cannot be got under 2 *s.*

1103. The fish curing in Ireland, I think, has not been profitable?—No. There is no such thing there as regular curing, except at the little place to which I have alluded, near Broadhaven.

1104. If the habits of fish are very uncertain, you cannot be prepared with large stores of salt, and so on, on different parts of the coast, can you?—Not with large stores; but I think it desirable to have always a small stock of salt on hand wherever there is a fishery.

1105. Is not the great deficiency in Ireland owing to the want of boats and tackle?—I do not consider that the want of boats is at present a very great obstacle. I think that what they want is tackle and fishing gear.

1106. Besides the strike in Howth last year, have you known instances of boats lying idle for want of crews?—I have not myself.

1107. Are not revenue cutters employed now on the coast of Ireland?—Yes; under the Admiralty.

1108. They are still employed as they were formerly?—Yes.

1109. Are there any fishermen among the crews of those revenue cutters?—I cannot say now, but when I had the command of the force, we always recruited our men from the shores of the coast of Ireland.

1110. Could the commanders of those cutters be employed to study the habits of the fish and their migrations?—I do not think that the Admiralty would allow it.

1111. On the west coast of Ireland, you think that the coast fishing should be first improved?—Yes.

1112. But that fishing must depend a good deal upon local consumption, must it not?—I think that there will always be the consumption for what they can take; the moment that they get in with the quantities of fish with their boats, the cadgers come down, and the fish are at once taken off into the country.

1113. You have alluded to a company which advances money for kelp. The supply of kelp is very regular, is it not?—Very regular indeed.

1114. Is it not cast up on the shore every winter and collected?—It is generally in the spring of the year; it is all weed which comes from the Gulf Stream, from the Bay of Mexico.

1115. Would it not be more uncertain to grant loans for fishing than for kelp?—I think that you can always calaulate upon a certain amount of fish, although you may not have so large an extent in one year as in another.

1116. Mr.

1116. Mr. *Ion Hamilton.*] I think that you mentioned that the system of two inspectors, which is proposed by this Bill, would not answer on account of their reports perhaps clashing?—I will not go so far as to say that it would not answer, but I think that three inspectors would be better.

1117. In the case of the coast-guard system, since you left the command, Ireland has been divided into two parts?—Yes, into two naval districts, but both under the Admiral at Cork.

1118. Has not that thoroughly succeeded?—I do not know.

1119. You have stated that it is your belief that, if the fisheries were supported by loans, the formation of local companies would be encouraged?—I think so.

1120. Do you, therefore, believe that without such local enterprise, the fisheries receiving loans will not succeed?—I think that without such aid the fisheries will still remain in their present depressed state.

1121. They require some assistance?—Yes.

1122. Do you consider fishing a sufficiently profitable occupation to induce men who depend a great deal upon agricultural pursuits, to embark capital in those local societies?—The people who are partly fishermen, and partly farmers, are men holding very small patches of land, and their agricultural operations are very limited.

1123. Would the profits from their agricultural pursuits be sufficient to tempt them to advance capital for fishing?—I am afraid that they have not the means; they can only give their labour and their skill.

1124. Sir *Henry Winston Barron.*] I did not understand your opinion with respect to trawling; have you any decided opinion upon the subject as to whether it is beneficial or injurious?—No; as I have stated, there is such a variety of opinions upon the subject that I have merely mentioned what those opinions are, without giving any opinion of my own.

1125. You are perhaps aware that it has been stated by practical men, that in several instances adduced and pointed out, there was a large quantity of young fry taken up in the nets, which were absolutely dead or destroyed by the trawling, and which could be seen in the sea for a long distance floating along in a dead state?—I have heard that, but I have never seen it myself.

1126. With regard to fishing piers in Ireland, from your practical knowledge, do you think that additional piers, in certain localities, would be beneficial to the fishing interests of Ireland?—If you will point out any place to me, and ask me whether it is a proper place for a pier, I can give you an answer. With respect to piers which have been built nominally for the fisheries, they are of no more use than this table, and some have never been used. I appeal to the honourable Member for Clare, whether he does not know a fishery pier which was built at Seafield, inside a ledge of rocks, which no fishing boat could go over.

1127. General *Dunne.*] Who selected that pier?—It was in the time of Mr. Nimmo. I can tell you of another case, above Tarbert, to which a similar remark will apply.

1128. Sir *Henry Winston Barron.*] You are aware that grants which are now made for fishery piers, are made on quite a different principle from what they were at the time to which you allude; that the piers are undertaken and reported upon by the Board of Works, first of all as to their expediency; secondly, as to the expense; and thirdly, as to the general site, by their own engineer, and on their own responsibility?—Of course I am speaking of very bygone days; but I am satisfied that everything which is undertaken by the Board of Works will be properly done.

1129. General *Dunne.*] I think that you have mentioned that the weather on the west coast of Ireland leads to very little opportunity of any regular amount of fishing there?—That applies to the deep-sea fishing.

1130. But the inland fishing, you think, may be carried on?—The shore fisheries, within five or six miles.

1131. And you think that they might be assisted to a certain extent?—I think that they might.

1132. The cost of carriage and the keeping of the fish, and the uncertainty of the weather, are the causes which make you doubt the success of the deep-sea fishing?—I have no doubt about it; in my mind it is reduced to a certainty, from the experiments which I have seen tried.

1133. Therefore you think that it is unadvisable for us to recommend any costly measures to support those fisheries?—Certainly, I think that it would be unadvisable.

1134. As to the number of inspectors, you consider that there should be three inspectors?—I consider that two inspectors should be constantly moving about among the fishermen, on the different parts of the coast, and I conceive that there should always be one inspector at the head of the department in Dublin, to carry on the general business of the fisheries, because it would probably be an extensive one.

1135. You therefore think that the administration of the Irish Fisheries should be distinct from that of those of the United Kingdom?—I do not know what they are in Scotland.

1136. But you would have separate inspectors?—Entirely.

1137. What would be the duties of those inspectors relative to the fishermen?—I think that their duties should be to go and foster the fishermen, and see their boats, and their gear, and make them acquainted with any new methods or systems, or anything in fishing; and to advise them generally as to the means of getting their fish to the readiest market, and so on; everything which would encourage them.

1138. Sir *Henry Winston Barron.*] Would it not likewise enter into their duties to allay or compose any disturbance or quarrel which might sometimes arise?—Exactly so; I mean so as to keep the fishermen under authority and control.

1139. General *Dunne.*] Do you think that that would give two men sufficient work during the whole of the year?—I think that it would; at all events in the first instance, until you had established the thing on a proper footing.

1140. Would you entrust to those inspectors the selection of the places for piers, which you say have been hitherto very ill selected?—I would let them recommend, and when it came to the construction of any works, it would naturally fall to the Board of Works. I think that the selection of the places ought to be considered by the three parties.

1141. And then they should communicate with the Board of Works?—When the Government

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sanctioned the erection of a pier, it would, of course, be sent to the Board of Works to carry it out, if practicable.

1142. Would the inspector have any superintendence of the construction of the pier?—I should say not, but that it should be entirely the work of the architect.

1143. I mean as to the engineering, with regard to form?—The form might be the subject of a recommendation. I am sorry to say that, generally speaking, the civil engineers understand very little about the construction of piers, or the power of the sea, or the way in which they should calculate it. I recollect that in the case of one of the piers which was constructed at Brandon, the officer of the coast-guard and myself ventured to recommend to Mr. Nimmo a particular mode of building that pier, but he pooh-poohed it, and instead of building it at the end of a little bay, he ran the pier down the centre of the bay in the sand, and the consequence was, that on the very first gale of wind afterwards it was washed away, and the stones are now rising up in judgment against him every day.

1144. As to the form and direction, would you leave the inspector to point that out to the engineers in consultation with the Board of Works?—I would certainly leave the inspectors to point out to the Board of Works the manner in which they conceive that the work should be done; and I think that the Board of Works should then exercise their judgment as to whether it was a proper mode of doing it or not.

1145. Do you think that there are many classes of piers, and of what size, wanting on the western coast, in order to give assistance to the fishermen?—As far as my judgment goes, there are not any wanting, because those which now exist are of no use. There is one at Black Sod Point, in the county of Mayo, and it is a remarkably fine pier, but I do not think that any fish has yet been landed on it; that pier is very well placed.

1146. Those piers would be of considerable expense, would they not?—Yes.

1147. Could you say the same on the eastern coast, or the southern coast, or any other coast?—On the southern coast, I think that the county of Cork is remarkably well off for harbours.

1148. And therefore those piers are not wanted?—They are not.

1149. Mr. *Maguire.*] Do you mean to say that no fishing piers are wanted in Ireland?—I think not.

1150. You give that as the result of your experience, with all the authority with which you are entitled to give it?—Yes; in the present condition of the boats and the fishermen, and their means, I think that they would rather run into little coves near their residences than have to go miles off to a pier.

1151. Do you not think that small piers assisting nature, even within these small creeks and bays, might be of advantage in preserving this small class of boats, and in preserving the property of the small class of fishermen?—I do not think that they would.

1152. From your experience, do you state to this Committee that there is no part of Ireland in which a pier, small or large, would be useful for the protection of the property of fishermen of any class?—I really cannot at this moment charge my memory with there being any particular point where I conceive that a pier would be of any use. There are parts of the western coast of Ireland where perhaps it would be very desirable to have a pier, but the expense would be very enormous. It must go at once into very deep water, and would be very much exposed, and I do not think that there are any places, so far as my memory serves me now, where piers would be of any use.

1153. Would you give the same answer with respect to improving small creeks, or small harbours, as a means of protecting boats when drawn up, or when floating?—I do know of many at this moment which require improvement.

1154. Who were responsible for the failure of those piers of which you spoke awhile ago, which you say were perfectly worthless, and not adequate to the intended object?—The person who was responsible at that period was Mr. Nimmo.

1155. What position did he then hold?—He was engineer to the Government.

1156. Did he override the Board of Works?—There was no Board of Works at that day.

1157. From 1832 the Board of Works has been responsible for all such structures?—Yes, but I do not believe that there have been any constructed since that time.

1158. Do you know anything about the pier at Ballycotton?—No, I know that there has been one built there, but it has been since I was in the coast-guard.

1159. You did not hear that it was so badly constructed as to be rather a trap for boats than a protection to them?—It is a very exposed place with an easterly wind.

1160. You have stated that the Irish fishermen, or companies engaged in fishing, cure their herrings in a very different manner from the Scotch?—So I have been given to understand.

1161. That the Irish method is a very imperfect mode of cure, and not equal to the Scotch?—Yes.

1162. And that, therefore, the article cannot command the same price, not having the same value in the market?—That is what I have understood.

1163. Have the Commissioners of Fisheries taken any action, in the face of a fact of that sort, which seems to be a very striking one?—I am not at all aware of that.

1164. Have they made any sort of suggestion to these companies?—I do not know.

1165. Do you not think that that is one of those matters which ought to have attracted the attention of the Commissioners?—I have certainly often wondered that it has not done so.

1166. You say that it is a clumsy and imperfect mode of preparing fish for the market?—So I have understood.

1167. I suppose that the fish caught there are as good as the fish caught by Scotch fishermen?—I believe that they are better; I believe that they are larger.

1168. There was a Fishery Board in Ireland who saw that young and inexperienced companies were blundering in this way, and yet that Board made no remonstrance or suggestion?—I am not aware that they made any; I have not been acquainted with them now for the last 20 years.

1169. Do not you think that it was their duty, as those entrusted by the State with the protection and development of the fisheries, to have interfered in the matter so far as advice and remonstrance

strance could have gone?—Yes, if it had occurred to them.

1170. Do you not think that it was one of the things which ought to have occurred to them?—Naturally I think that it would.

1171. With respect to trawling, are the trawlers allowed to trawl close ashore?—I think that in a good many places they are. For instance, off Cork Harbour, I think that they are quite close to the shore.

1172. I will take you to Bear Island; are there not many persons on Bear Island who live partly by fishing and partly by agriculture?—Yes.

1173. Do you know that there are nearly a hundred families who thus maintain themselves by this double occupation?—I do not know, but I should think it very likely. It is a large island.

1174. If you were told that it was so, you would not be surprised; to your knowledge, have any complaints been made by these people, that when they lay down their lines for a few hours, trawlers come, and carry away their lines and fish, and so destroy their property, and in fact blast the hopes of these people, who depend entirely or mainly upon that mode of livelihood?—In the first place, I did not know that there was such a thing as a trawler at Bear Haven at all. I recollect at one time being at Bear Haven, when the late Mr. Puxley was living, and I recollect that at that time the fish were so numerous (turbot for instance), that he told me himself that he boiled 60 turbot in a week for his dogs.

1175. Do you know that a court of inquiry was held on the 29th of last month at Bear Haven?—I have understood so from Mr. Barry, from a letter received from him this morning.

1176. Have you any information with regard to that inquiry?—No, except that Mr. Barry tells me that it was a very stormy meeting.

1177. Who held the inquiry?—I suppose Mr. Barry; I do not know, I am not acquainted with these matters now.

1178. I suppose that you admit that there are a number of persons, who under any circumstances cannot provide themselves with such boats as they can face the weather in?—I think that they cannot.

1179. And that they must fish alongshore?—Yes.

1180. They have their nets within shore, or spiller lines?—Yes.

1181. Do you not think it very important that these people should be encouraged by protection?—Certainly.

1182. Would you protect them against a powerful trawler, who comes and sweeps away lines and fish and all?—Undoubtedly.

1183. What protection is given at the present moment?—I do not know.

1184. But you are of opinion that that class of people should be protected?—Certainly.

1185. You have been asked as to the influence of loans; do you not think that if the Board, acting on the part of the State, gave a certain portion as a loan towards forming a company, or association, it would stimulate local enterprise?—I most decidedly do.

1186. Without persons joining for any profit, do you not think that the example given by the State would encourage them, and influence persons in the neighbourhood to assist the poor people, by themselves contributing towards such an object?—That is exactly my view, and that was my object in mentioning what I thought local associations could do. They would be of very great service by their influence, not looking to the profit of the thing, but by their interference among the fishermen, and giving them encouragement and countenance in every way.

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1187. What is the maximum amount which you contemplate would be necessary for such a purpose?—I have never considered that point.

1188. Supposing that a certain proportion was subscribed locally, would not it be, to a certain extent, a guarantee to the Board, that the money would be applied to that object, and to no other purpose?—I should think so.

1189. Could not means be taken by the inspector, or could not there be some local means of seeing that not one farthing of the money either subscribed in the locality, or supplied by the State, was applied to any other purpose than to boats and gear?—Certainly; I should suppose that Lord Pelham Clinton would be very glad to give a contribution to a thing of that kind; there is Mr. Puxley, a very wealthy man also, living in the neighbourhood, and there are the doctors and clergymen, and two or three retired coast-guard officers, and I think that all these persons would very cordially join in it.

1190. In fact, even some persons would be shamed into co-operation in a case of that kind?—I think so.

1191. And the first great object would be the certainty of some assistance on the part of the State?—Yes, certainly.

1192. Is there such a state of things in Ireland, that you think that it would be well to go beyond the ordinary mode of dealing with other portions of the United Kingdom.; do you not think that the state of things in Ireland is such, that the Government might run some risk in assisting in a matter of that kind?—I certainly think so; as regards the Mount's Bay fishermen, even the shopkeepers in the villages, have almost all of them shares in the fishing, and I think that you would find that persons would do the same thing in Ireland. I think that Bear Haven would be almost one of the best places where the experiment could be tried.

1193. I think you said that the navy was recruited from time to time from the fishing population?—It was mentioned to me by the Chairman, that at a former period, in 1780 I think, the Irish Parliament voted 10,000 fishermen to the manning of the British navy.

1194. At the present moment, do not men who have been bred to the sea as fishermen supply the navy?—I think very few of late particularly, the population has been so thinned.

1195. Would you rather encourage that class to join Her Majesty's Navy than otherwise?—Undoubtedly.

1196. Do you not think that the best way of recruiting the navy would be by encouraging the fisheries of the country?—Certainly, it is the best nursery.

1197. Therefore, upon Imperial grounds, you would encourage the Irish fishery?—Most decidedly.

1198. *Chairman.*] With reference to some questions which the honourable Member for Cork asked you with regard to piers, I wish to ask you whether in certain places in Ireland it would not be desirable to improve the fishery piers and harbours, for the purpose of enabling

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a better class of boats to ply there?—As I observed before, if a place was pointed out to me, I could give you an answer as to the locality.

1199. Take, for instance, Tramore, in the county of Waterford; is it not the fact, that at Doneraile Cove, or the Ladies' Cove, as it is called, the accommodation hitherto for boats has been so very inadequate, that the boats on proceeding to sea were very often obliged to return two hours before they otherwise would do, from an apprehension that, if they did not return, they could not make the harbour?—Yes, I believe that that is so.

1200. We will take the case of Ballymacaw, also in the county of Waterford; is it not the fact, that in consequence of a large rock, which is proposed to be removed, at the entrance of that harbour, the fishermen are obliged very often to remain only half the time fishing at sea that they would otherwise do?—I believe that that is the case.

1201. In those two instances, which are familiar ones, would it not be highly desirable to have better accommodation afforded there?—I do not think that fishermen generally would avail themselves of the Ladies' Cove. There are several places along the coast at which they keep boats, and they certainly would not go down as far as the Ladies' Cove with their fish, when they could land close to their own residences.

1202. Are you aware that that locality has lately raised the sum of 300 *l.* for the purpose of inducing the Board of Works to advance two-thirds to supply the accommodation, the want of which the people complain of?—I have heard so; but that money has been principally raised, I believe, among wealthy people who reside at Tramore.

1203. With the view of benefiting the fishermen only?—With the view of benefiting their pleasure boats, and so on.

1204. Are you aware that memorials were sent forward, signed by the fishermen, stating that they could not pursue their avocation by reason of the inadequacy of the accommodation, and the frequent danger in storm of attempting to make that little harbour?—Yes; but you know as well as I do, that memorials are very easily signed, and particularly by people on the coast. If you ask them to sign a memorial, they will do it directly, without knowing what it is. I think that a pier there may be of service, and from what you state most likely will.

1205. In certain places, if better accommodation were provided, would not a class of boats more suitable to prosecute the deep-sea fishery be likely to be established in those places?—I take a distinction between deep-sea fisheries and shore fisheries. I think that, as regards the shore fisheries, in every locality boats are constructed suitable to that locality. If you attempt to get a larger description of boat where a small boat is used, you may completely fail in your object, and make it dangerous. Mr. Andrews will be able to give you evidence upon that point. When the tide is very rapid, a long boat would not be safe; a small boat is much better suited for it.

1206. Have you ever heard of the Nymph Bank?—Yes.

1207. Does not that Nymph Bank extend below Dungarvan considerably?—Yes; it, I believe, extends past the Hook.

1208. It is also opposite Tramore Bay?—Yes.

1209. Is it not generally believed that there is an immense quantity of fish on the Nymph Bank?—I recollect that some few years ago a company was started at Waterford on purpose to fish that bank. I do not know what has become of them, or whether they are in existence or not.

1210. That is 60 years ago?—There has been one since that.

1211. The Great Nymph Bank Company was 60 years ago, and they did find that the fishery could be most successfully prosecuted there; there is such a fishery bank off the coast of Waterford?—Yes.

1212. And a quantity of fish are upon it?—Yes.

1213. Is it not the fact that the complaint which the fishermen make is, that they must, to use their own expression, drown the land before they can reach that Nymph Bank; that it is 35 miles from the land?—It is.

1214. Is there a boat which could fish on the Nymph Bank which could enter the Ladies' Cove, or any of the harbours up to Stradbally?—They could enter Dunmore.

1215. Could any of the boats at Tramore proceed to fish off the Nymph Bank?—No; I think that no boats from there should go that distance from the shore.

1216. No boat of the size which would be necessary to fish off the Nymph Bank could enter Tramore or Ballymacaw Harbours; would it not require a boat of 40 tons at least?—That could not enter Tramore.

1217. Then, is there not a manifest necessity for having harbours sufficient to enable boats to fish upon such a bank as that off the coast?—May I ask whether you contemplate that you will have vessels of that large size to frequent the harbour at Ladies' Cove, when it is made; or is it merely the ordinary row boats which are now in use?

1218. My question arises from your answer to the honourable Member for Cork, in which you stated that you considered that the existing harbours were quite adequate for the fishing which could be carried on upon the adjacent shores or coast?—For the shore fishing.

1219. If the men go more out to sea, are not those harbours inadequate?—I consider that it would not be safe for row boats to proceed to the Nymph Bank, 35 miles from the land.

1220. Then, is there not a greater necessity for harbours for boats of a sufficient tonnage to go to the Nymph Bank?—Then you must have a larger vessel.

1221. But it is of no use to have the vessels without a harbour for them?—You have Waterford Harbour. I do not think that you could ever very well calculate upon running for such a small harbour as Tramore with such a vessel as that.

1222. Colonel *Tottenham.*] Would you say that a pier or a fishery harbour was required at Wicklow?—It is a difficult question to answer. As a fishery harbour I do not consider that anything is required there. As a harbour for the improvement of the trade, if they could make it, I think that it would be very desirable.

1223. Can fishermen fishing outside along the coast between Dublin and Arklow, run in anywhere in stress of weather?—It would depend upon the state of the tide; if it was low water, and with an easterly wind, it would not be safe for them.

1224. If a fishery pier was built at Wicklow, would not opportunities be given for boats to take refuge there?—Of course, if a pier was built,

built, but a pier at Wicklow would cost an enormous sum of money.

1225. General *Dunne.*] Wicklow is nearly open, is it not?—Yes.

1226. *Chairman.*] Were those piers to which you have alluded built by the Board of Works?—No, all those piers to which I allude were built long previously to the existence of the Board of Works as a board. Nothing which they have done has been improperly done.

1227. Sir *Henry Winston Barron.*] Therefore your observation does not apply to the present system pursued of building piers?—Certainly not.

1228. *Chairman.*] But a good many of the piers built some years ago under the pretence of being suitable for the fisheries, were almost of no use for that purpose?—Of none whatever. I can mention several piers where no fish was landed upon them; it was all very well for the turf boats.

1229. Sir *Henry Winston Barron.*] That was before the Board of Works were in existence?—Yes.

1230. Colonel *Tottenham.*] With regard to the loans which your Sea Salt Company make, are they to be repaid in money or in kind?—In kind, not a farthing of money is returned; by the paper which I have read, the men agree to deliver so much kelp for the money advanced to them.

1231. I thought that they sold it at a certain price?—They are to be allowed a certain price for it; for instance, in Clare Island we have, I think, advanced between 500 *l.* and 600 *l.* for the one island; there is a good deal of distress there, and in other places.

1232. Mr. *Kavanagh.*] With regard to Ballymacaw Bay, no amount of money could make it available?—No, it is merely a cove between two rocks.

1233. Mr. *Cooper.*] Could vessels of 30 tons enter if the rocks were removed?—They might run the vessel in, and run her upon the beach, but she could not anchor; she could not possibly ride there; if she went in in any case of distress, it would probably be with an easterly wind, and they would have to run her ashore in order to save life.

1234. Sir *Henry Winston Barron.*] There is a place a little higher up the coast called Bomnahon?—I know Bomnahon very well.

1235. That is a place which, from its position, is very well adapted for fishing, and very good anchorage may be obtained there in certain weather?—Yes.

1236. On the east side?—Yes, where there is a cove.

1237. Do you not think that a pier might be made there with some advantage?—I do not mean to run into the sea, but a pier as a protection from the surf running up in heavy gales?—I think that no pier would stand there except at a very heavy expense.

1238. I mean a little higher up than where, perhaps, you are alluding to; there is a position there with a little bend?—Yes, on the west side; I know it perfectly well.

1239. I should have thought that that was an admirable position for a small and inexpensive pier?—I have never examined that spot so minutely as to be able to give an opinion upon the subject.

1240. Then there is Stradbally?—I know Stradbally perfectly well.

1241. Some 15 or 20 boats are employed there, and they have no protection whatever, and in my opinion it would be the most easily protected place which I ever saw on a sea coast?—It is very much in shape like Ballymacaw.

1242. It is very much deeper, and it runs a long way?—It runs a long way.

1243. I am only talking of a refuge for fishing boats, and not for large vessels, but for the fishing boats which they have there now?—If a pier had been practicable at a moderate cost at Bomnahon, I am quite sure that the Mining Company of Ireland, who own a very large property there, would have been ready promoters of it, because they have lost two or three vessels from being obliged to load them there.

1244. They have sometimes been obliged to load them out in the sea?—Yes, sometimes.

1245. General *Dunne.*] Have those remarks which you have made with regard to the suggested piers, anything to do with fishing; would they be of any use to fishing?—I think that they might be of service.

1246. Do you think that they would be of sufficient service to justify the expense, or that they would merely be piers which would be generally useful for shipping; we are confined to the piers which will effect some utility for fishing boats, and are not concerned with piers for trade or for the general purposes of the coast; are your remarks directed towards their utility for fishing boats, and for promoting fishing?—Certainly not for shipping; the places are altogether too small for that purpose. Those piers might be of service for boats, if they were erected, but I do not think that it would justify the expense.

1247. Sir *Henry Winston Barron.*] Are you aware that some of those piers for the fishing boats have been constructed already at a very small expense, so little as under 2,000 *l.*?—I am not aware that the one at the Ladies' Cove has been constructed yet, but I believe that it is in progress. I only hope that it will stand.

1248. General *Dunne.*] You have doubts about it?—I have very great doubts about it.

1249. Sir *Henry Winston Barron.*] An engineer of experience was sent there?—Yes.

1250. And he reported very favourably upon it?—I would not give much for the opinion of an engineer upon the coast; I have seen so many failures.

1251. Colonel *Vandeleur.*] In this Bill it is proposed to repeal the clause in the present Act prohibiting herring nets being shot in the daytime; what is your opinion upon that point?—I have not considered it.

1252. Sir *John Gray.*] In one of your answers you made some reference to the mode of curing herrings in Ireland; are you aware that there is a fishery company established in Howth which cures a large quantity?—I am aware that there is a company, and I am very sorry that they lost a good deal of money last year.

1253. The report of the 11th of January 1867, states that they are making 1,000 *l.* a month ready for the fishing time?—I had a letter yesterday saying that 4,000 *l.* worth of fish were sold in one morning.

1254. Have you heard of a loss of 10 per cent. from the want of branding herrings?—No.

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1255. There is a report to that effect?—I have not seen the report, and was not aware of it.

1256. Colonel *Vandeleur.*] Are you aware of the reason assigned for the loss?—I fancy that the weather had a very great deal to do with it. Last year the weather was very tempestuous.

1257. Mr. *Maguire.*] Did you refer to this company when you stated awhile ago that the Irish mode of curing was so imperfect?—No; but generally I have heard the complaint that the system of curing is not so clean or so nice as the system which is adopted in Scotland.

1258. Did that information apply to the company of which Sir John Gray has just spoken?—No; it has only been in existence for one year.

1259. Then you exclude that company from your observation?—Entirely; in Scotland, I believe, the women are constantly employed in the cleaning of the fish before they are packed; there is no such thing in Ireland.

1260. Does that apply to this company?—No.

1261. Sir *John Gray.*] Are you aware of any of the Scotch curers having come to Howth, and followed the Scotch practice there?—No.

1262. It is so reported by this company?—I am very glad to hear it.

Mr. William Andrews, called in; and Examined.

Mr. *W. Andrews.*

1263. *Chairman.*] I believe that you have devoted a good deal of attention to the subject of the Sea Coast Fisheries of Ireland?—I have for many years.

1264. Have you also devoted much time to the practical investigation of the subject?—Yes.

1265. In consequence of your scientific knowledge, I believe you have been elected to positions in some of the leading scientific societies in Dublin?—Yes; I am connected with all the scientific societies of Dublin.

1266. And you have contributed several papers to scientific institutions in connection with the subject of the Irish Sea Coast Fisheries?—Yes.

1267. I believe that you are also one of the acting trustees of the Society for Bettering the Condition of the Poor of Ireland?—Yes.

1268. Has not a good deal of the attention and funds of that society been devoted to the promotion of the sea coast fisheries?—Yes, for many years past.

1269. How long back does your knowledge of the sea coast fisheries of Ireland extend?—More than 20 years.

1270. Then you recollect them at the period of 1846?—I do.

1271. They were at that period in a much more flourishing condition, I believe, than they now are, as regards the number of vessels and crews employed?—A great many more crews were then employed, but I do not think that they were in a more flourishing condition than they are now. The fisheries were not more productive, but there were a greater number of small boats at that time.

1272. With the exception of a portion of the eastern coast, has not the capture of fish round the coast actually declined since 1846?—A great many of the small harbours and places on the north-west coast have declined.

1273. And also on the west coast?—Yes.

1274. Do you consider that in 1846, the coast of Ireland was capable of affording remunerative employment to the 113,000 persons who were then said to be engaged in the fisheries?—Certainly; on all the coast of Ireland, and even more might have been employed in them.

1275. From 1842 to 1846, was not a good deal of public attention directed to the subject of the fisheries?—Yes.

1276. And did not the Repeal Association of that day give a prize for an essay upon the subject?—I am not aware of that.

1277. Was not there a Report of the Repeal Association upon the sea coast fisheries of Ireland at that time?—I am aware of that; you mean what was termed the Loyal Repeal Association?

1278. Yes?—They drew up some statistics of the coast fisheries of Ireland, showing the necessity of Government interference.

1279. That was in 1842, was it not?—In 1844.

1280. Do you concur in the statements contained in that report?—I think that they are perfectly correct, because they have been collected from public documents on the state of the fisheries of the country at the time.

1281. In that report, a copy of which is in your possession, was not it very fully shown that the coast fisheries of Ireland were capable of affording a livelihood to a greater number of people than were employed?—Certainly.

1282. At that time close upon 100,000 people were employed?—Yes.

1283. At present only 40,000 are employed?—I do not know what number are employed at present.

1284. According to the returns furnished by the Fishery Commissioners of Ireland, is not that the case?—I have not seen the last returns.

1285. Have you seen the returns for the last two or three years?—I do not generally refer to the Reports of the Fishery Commissioners, because I only attend to the matter so far as I am concerned in the fisheries, and so far as regards the parts of the coast with which I am connected.

1286. Do you consider that the supply of fish round the Irish coast has declined?—Not by any means.

1287. Mr. *Maguire.*] What are your reasons for giving that answer?—From the repeated examinations of the coast of Ireland, and from the returns which I have received from the different parts of the coast of Ireland, in the society with which I am connected, and likewise from knowing myself the state of the fisheries, the condition of the coasts of Ireland, and the soundings, and the means of carrying out the fisheries. There is no decrease, but they are far more productive.

1288. The increase which has taken place in the capture of fish in the last few years has been generally on the eastern coast, has it not?—On the eastern coast and on parts of the western and southern coasts where great encouragement has been given. On the eastern coast it is as regards one description of fish; namely, herrings.

1289. With few exceptions, has not the capture of fish declined on the other parts of the coast?—The capture has declined certainly, because

cause the men have not the means; they have not the boats.

1290. How do you explain the comparatively prosperous state of the fisheries on the portions of the eastern coasts to which you allude, and the great depression which exists in other places?—I attribute it entirely to the want of encouragement of the fisheries, and the want of capital.

1291. There is a society for the encouragement of the poor of Ireland, of which you are a trustee, which has, I believe, at its disposal the sum of 30,000 *l.*?—Yes, about 30,000 *l.*

1292. How did they acquire that money?—It was a sum of money which remained out of subscriptions which were given at the time of the famine, in the year 1822. The population of Ireland, who were in a very distressed state, having been relieved, and all that was desirable with regard to the subscriptions which were given, having been carried out, a surplus remained in the hands of certain trustees in Dublin, and also in the hands of two societies in London. It was taken into consideration the best way of employing it. It was then recommended that it should be employed in the improvement of the Coast Fisheries of Ireland. The balance which remained in the hands of the trustees in Dublin, one of whom was Sir John Kingston James, then Lord Mayor of Dublin, was about 8,000 *l.*, and the London society contributed 5,000 *l.* for that express object. Subscriptions were afterwards paid in, and those subscriptions and the interest of the money arising from time to time, reached to a capital of about 30,000 *l.*

1293. Have your society furnished the greater part of the funds at their disposal, for the purpose of aiding the fishermen on the coast of Ireland?—Yes.

1294. You, I believe, advance the money without interest?—Yes.

1295. Have your society incurred any loss?—None, for many years.

1296. What is the nature of your security?—When an application is made to the society for a loan, inquiries are instituted as to the way in which the money will be spent, as to whether the application is good and proper, and as to whether the part of the coast is of that nature that the money will be usefully appropriated. Then, having satisfactorily ascertained those points, and having had recommendations of the industry of the applicants, we require proper securities, and there is generally no difficulty in obtaining securities, and then the parties getting the money give a bond for the amount of the sum advanced, and it is repayable by instalments without interest. The first instalment is generally required at the end of twelve months; and the loan runs over about two and a half years. For the last ten years that I have been associated with that society as trustee, we have never lost one fraction of any sum of money which has been advanced, the instalments have all been regularly paid. We have forms showing the manner in which the applications are made, and in which the security is required, and the manner in which the whole system is conducted. Our object being to see that the money will be properly appropriated, and used for the promotion of the fisheries.

1297. About how much money have your society out at present among fishermen?—About 11,000 *l.* But I should mention that out of the subscriptions given on the formation of the society of which I am trustee, 15,000 *l.* is tied up, and we can only use the interest of it. The remaining 15,000 *l.*, both principal and interest, can be used, and we have about 11,000 *l.* of it out now. It is constantly circulating. On an average, we give loans to the extent of 3,000 *l.* a year, and the money is repaid by instalments every May and November, so that the capital is constantly going on circulating.

1298. Sir *Henry Winston Barron.*] What would be the average amount of your loans?—We generally grant loans of from 10 *l.* to 500 *l.*, sometimes a little more; it is just according to the parties who seek the loans, and the manner in which the money will be employed by them, because in many cases poor fishermen cannot give proper security themselves, and consequently they must get parties who will go security for them, and that they will properly apply the money to the fisheries. That is the case at Howth, and in different parts of Ireland to which we have advanced money. The fishermen get regular employment throughout the year, which they otherwise would not do, and they are provided with large and able boats of 35 or 40 tons.

1299. *Chairman.*] Have you found that the sums which you lend out have been productive of great good to the recipients?—They have been productive of very great good, and the results have been such that from the recommendations given by some of the coast proprietors in some parts, the poor men now possess boats of their own, and have a capital which they had not before.

1300. Have people in some places been enabled by your assistance to enter upon fishery pursuits who otherwise could not have done so?—Certainly.

1301. If your society had a larger sum at their disposal, do you think that they could lend it out with advantage to the recipients, and without risk to the society?—Yes. This society will only give sums in extreme cases of distress, or to assist the fisheries, very largely if necessary; but if it was a public grant, and was carried out to a great extent, perhaps the applications would be very extensive.

1302. Have you information as to whether parties who have become security for fishermen, have in many instances lost by having done so?—No losses whatever have occurred to those persons who have gone as security: that is to say within the last 10 years. I do not know previously to that what may have occurred. Of course we should seek to recover from the securities, if the fishermen themselves, or those who had the loans, did not pay up; but we have never had a necessity for getting the instalments of the money from the securities, it has always been paid up by those who obtained the loans.

1303. You have advanced a great proportion, or perhaps the greater proportion, of your money for the encouragement of fisheries on the eastern coast?—We have advanced a great deal on the eastern coast; and we have advanced some on the southern, and even on the western and south-western coasts.

1304. Do you attribute the success which has for some years back attended the fisheries on the eastern coast, to a great extent, to the assistance which you have given the fishermen there?—I think that, on the eastern coast, the advancement is entirely owing to the men getting a large class

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of boats, and being able to carry on the fishery upon an extensive scale, and to compete with the Scotch, and Cornish, and Manx men, who come there to fish; in 1862 there were, I believe, only four wretched boats belonging to Howth, and now there are about 60 boats of a good size and tonnage, all fished by men on that part of the coast; I may speak of Skerries in the same way; a few years ago they were all coasters, carriers from one place to another; but now there are about 116 vessels, 42 being first-class luggers; there are statements which have been sent to me only very recently from these very stations, and from different parts of the coast, which will prove the advantages which have been given by the granting of these loans to the fishermen.

1305. Can you put in a copy of the last report of your society?—We have no reports of the society since 1826, but accounts are made up for the trustees; there are about 50 trustees, but only a certain number act; these trustees examine the accounts, which are made up regularly every year and balanced; we have, of course, documents connected with the improvement of the fisheries and otherwise from the different parts of the coast; I must beg the indulgence of the Committee, because I was in the south-west of Ireland when I received their summons, otherwise I would have prepared everything very fully; these are the forms of application, and there is the following provision in them, which the people who apply to borrow the money are obliged to sign: "We are willing to enter into a bond, under such conditions as the trustees may determine on, for the repayment of the loan for which we now apply, and we engage to return a faithful and detailed account of our expenditure, of the quantity of fish taken, and to afford such other information as the trustees may from time to time think it requisite to call for"; they always sign documents to that effect, and before any money is advanced, we thoroughly understand the nature of the coast, the soundness, and all essential information, so that no money is obtained without the certainty of its being turned to the greatest utility, and the results have been the improvement of the fishermen in every way.

[*The Witness delivered in the following paper*:]

Trustees for Bettering the Condition of the Poor of Ireland.

Coast Fisheries.

We, the undersigned, inhabitants of the parish of barony of and county of have been engaged in the fishing business for years, and have embarked capital for said purpose, to the amount of pounds sterling. The operations of our fishing association extend from to and embrace the harbours of and the number of families deriving immediate benefit from our labours, are consisting of individuals.

Being in need of some assistance at this time, to enable us more efficiently to prosecute our fishing employments, we respectfully entreat a loan of pounds sterling from the Trustees for Bettering the Condition of the Poor of Ireland. We solemnly and sincerely declare that the sum hereby sought as a loan, or such portion of it as the trustees shall see fit to grant, together with pounds sterling in our hands, in cash, for that purpose, shall be applied solely for the construction or repairing of fishing boats, or providing hemp, flax, or twine for the making of cordage or nets, the procuring hooks, lines, tackle, and other implements used in fishing, or for the curing of fish for home consumption.

We propose as our securities of in the parish of barony of and county of being by trade or profession and of in the parish of barony of and county of being by trade or profession and we certify that the persons so named as our securities are not to derive any personal benefit or consideration from the working of this association, or by becoming securities for the undersigned.

We refer the trustees for the character of all the parties concerned in this application, and for their solvency, as well as that of securities named, to of in the parish of barony of county of and post town .

We are willing to enter into a bond, under such conditions as the trustees may determine on, for the repayment of the loan for which we now apply, and we engage to return a faithful and detailed account of our expenditure—of the quantity of fish taken, and to afford such other information as the trustees may from time to time think it requisite to call for.

We depute of post town of as the person to whom communications for us may be addressed.

	Names of Applicants.	Residence and Occupation.
1		
2		
3		
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We, the undersigned, agree to join the persons above named in such bond as the Trustees for Bettering the Condition of the Poor of Ireland may determine on, and we do solemnly and sincerely declare that we are not to derive any benefit or consideration by becoming securities for the money hereby sought, and we conscientiously believe the statements in the foregoing application to be strictly true.

Names of Securities.	Residence.	Occupation.

I have known for years the several persons named in the foregoing application, with the exception of Nos. They are persons whom I conscientiously believe to be sober, respectable, honest, and industrious, and sufficient security for pounds sterling, being the amount of their present application.

I am also acquainted with the persons named by the applicants as their securities; they are sober, respectable, honest, and industrious persons, and fully sufficient security for the loan hereby sought.

I conscientiously believe the statements in the foregoing application to be strictly true.

(signed) _____

Dated the day of 18

Witness.] The following statement was only recently sent to me from Howth, and I will read a portion of it to the Committee. It is dated March 1867. "Four years ago our Howth fleet consisted of four or five boats; we have now a fleet of 50 sail of vessels of a much superior class to those formerly in use, and this is owing in a great degree to your exertions."

1306. Do you think that the state might with fair safety advance a large sum, say, a quarter of a million

a million in loans to fishermen around the coast, so as to enable them to provide themselves with boats and gear, with the probability of the fisheries being greatly stimulated, and with the likelihood of but a small loss to the State?—I think that State loans might be very usefully and well applied, and without any risk and with considerable benefit in every way to the fisheries, and to the coast population.

1307. Do you think that it would tend to the formation of small local companies?—The only advantage of local companies would be by forming a sort of society to employ the fishermen themselves. It would be a great benefit in that way, and I believe that one of the purposes of the society is also to give loans to local companies, that is one of the regulations of the trustees.

1308. Will you be able to furnish the Committee with some account of the loans which you have advanced, with some leading instances of the benefits which have been conferred?—I can draw up a report. I have memoranda by me showing what has been done by the society from the formation of it.

1309. Will you give the Committee some general statement of it?—I can state, with regard to what the Society has done for the last ten years, that the fisheries have been most successfully encouraged; from 1854 the returns of the Trustees show that sums to the extent of 23,604*l.* have been advanced on loans to fishermen and their families; I can also state that the families and those employed in the weaving and spinning who have derived support from these loans, exceed 6,000 individuals; I can draw up a report, showing the benefits which have been conferred upon the fisheries by the loans which have been made, to different parties.

1310. Around different parts of the coast of Ireland are the avocations of farming and fishing generally combined?—They are sometimes combined, but I do not think advantageously; in the reports of the Commissioners which I have read, they state that the agricultural labourer is not at all suited to follow the occupation of fishing; and our agricultural labourers are now so few, that I think that it would not be an advantage for them to turn to the fisheries; the great object of our Society is to improve and to promote and develope the fisheries, and by a superior class of boat which only can do it.

1311. On the western coast of Ireland, if a man with a suitable boat devoted himself wholly to the fisheries, would he not be half his time idle?—I suppose him to be provided with a good class of boat; that is the only man who can fish advantageously, because the shore boats merely depend upon seasons, and upon the fish coming in shore at certain seasons of the year and upon the weather.

1312. Do not people of that class, advantageously at times, follow fishery pursuits?—I think not at any time; that is to say, combining the two occupations.

1313. Do not a great number do so at present?—I should say not many.

1314. Are you aware that a great number of large fishery companies have been started in Ireland from time to time, with large capital?—Yes.

1315. Have you ever known a single one succeed?—I never have known any of those started upon the western coast of Ireland succeed.

1316. Has there ever been a large fishery company in Ireland, which has been a commercial success?—I should say that the one with which I was connected succeeded, and realised a very good return out of a very small sum of money.

1317. Mr. *Maguire.*] What is the name of that company?—The Royal Irish Fisheries Company; I think that it is right that a full explanation should be given with regard to it, because I believe that it is desirable to introduce capital as much as possible into this country; we have not capital, and it does require large capital to carry out the fisheries properly.

1318. *Chairman.*] Your answer is, that up to the present time, no large company has been a success?—None of the companies established under the Limited Liability Act, and none of those companies established on the principle of carrying out fishery operations have succeeded; they have all failed.

1319. Have any of the large fishery companies which have been in existence in Ireland, taking an average of say three or four years, returned to your knowledge, any profits?—Certainly not, excepting what may now have occurred to a fishery company on the southern coast; that is the only one which I know of, where there is a likelihood of any success. I have not heard anything about it, except that I recollect some of the principles, and if the principles were properly carried out, I should say that it would succeed.

1320. You have yourself been engaged in some fishery enterprises?—Yes.

1321. In a commercial point of view have they turned out a success?—Certainly, a very great success.

1322. Then why did they not continue their operations?—The question has been often asked about the fishery company. I should say that in 1847, there was a very great distress in Ireland, owing to the potato failure, and cholera; Lord Clarendon was then Lord Lieutenant, and there was at that time a desire to start this company, chiefly to promote the interests of the poor. Sir Charles Trevelyan and the late Marquis of Lansdowne, and the late Admiral Sir Thomas Usher, and a number of others took a part in it. I was nominated manager of the company, having for some years been on the western coast of Ireland, and knowing its capabilities. The Government very kindly granted a Royal Charter to this company, relieving the company of all the expenses of the charter, excepting merely the fees of office, which could not be withdrawn; but the Government withdrew the main expenses of the charter, so that the company got the charter at a very moderate rate. Unfortunately, at that time, namely, in 1848, there were great disturbances in the country; the whole country was in a sad state, and therefore no shares could be looked for or called in. There was a clause in the charter by which, if the deed of settlement had not been lodged with the Board of Trade at a given time from the date of the charter, the charter could not be considered as legal, although it was not invalid. It was a charter given by the Queen and the Privy Council. Our legal advisers said that we had better postpone looking for shares until the country was in such a state that we could look to the shareholders to take their shares under this charter. We had only then subscribed by voluntary subscriptions about 1,000*l.*, there being left, after the expense of the charter, only between 400*l.* and 500*l.* to carry on the fisheries. The direc-

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tors, on finding that, nominated a director and myself to carry on the fisheries, and suggested that I should propose the part of the coast upon which to carry them on; and I proposed that we should make a fishery at Dingle. The consequence was, that we had only 1,000 *l.* to commence and carry on everything with regard to the fisheries; to provide boats and everything else. Notwithstanding that, we for some years worked the fisheries, and at the end of the time our plant and stock and interest in the undertaking were valued at 3,000 *l.* We never called upon the shareholders to subscribe, and then, when we found that we had succeded so well, we hoped to get from the Government a renewal of the clause in the charter by which the deed of settlement might be extended. Mr. Cardwell was then President of the Board of Trade, and his views were in favour of the formation of limited liability companies, and he recommended and wished that this clause in the charter which we sought might not be entertained. However, Lord Lansdowne very kindly interfered with Earl De Grey, the President of the Privy Council, and he promised to give us every assistance; but Mr. Cardwell was desirous that a limited liability company should be tried. A number of the directors connected with this company, of which I was manager, declined, under the Limited Liability Act, and therefore they ceased working with the company.

1323. What particular advantages would a Royal charter have over any other mode of association; for instance, a Limited Liability Company, as suggested by Mr. Cardwell?—There were a great many clauses and powers in the Royal charter with regard to land, and fishery places, and curing places, and a great many privileges; and it was not on the same principle as that of the Limited Liabilty Act, because there the shareholders were liable to the extent of their shares, and to the extent of any part which they took in the company. Still they were perfectly protected under the Royal charter. I have a copy of it, showing the important advantages which they possessed from that charter. The charter is now in abeyance.

1324. Have you ever attempted any other fishery since then?—Never since that time. We hired boats; we did not buy boats, because one boat would have cost the whole of our capital.

1325. How long was the company in operation?—Six or seven years; that is to say, not under the Royal charter; but it was under the management of one of the directors and myself.

1326. Did you pay back all the capital to the shareholders?—No capital was obtained by shares to work the fisheries. The stock and plant were valued at 3,000 *l.*, whereas we commenced with only 1,000 *l.*

1327. What interest had the shareholders upon their money?—The shareholders never paid any of the money, they only gave voluntary subscriptions towards procuring the charter, and we afterwards obtained money through the Society for Bettering the Condition of the Poor in Ireland, who advanced the money to us.

1328. Nothing was lost?—Nothing was lost during the period I mentioned.

1329. And something was gained?—Yes. I should say that afterwards other parties continued the working of the company under the Limited Liability Act. I ceased to act with that change, and they lost everything, and went to the bad. They went from Dingle to Galway, and lost everything.

1330. That does not present a very encouraging picture of a large company, does it?—It has been often asked why fishery companies do not succeed. The answer is very simple—namely, that when capital is got to carry out a fishery company upon any part of the coast of Ireland, perhaps a very little of that capital will be subscribed in Ireland; it may be chiefly subscribed in England by English capitalists, and the system is that an English directory will be formed, and probably a gentleman sent over from England to act as manager, who will know nothing about the habits of the fish, or the state of the coast, or the fishermen themselves; and it perhaps will be carried out on a grand scale, and the fishermen not understanding their views, the whole thing fails.

1331. If you were about forming a company, what capital do you think they should have to carry on their operations?—It would require a very considerable capital to enable them to carry on their operations properly, because a great number of very large boats are required, and these boats should be employed at different seasons of fishing throughout the year. That is another cause of failure; when you pursue one system alone, you are idle for a certain part of the year.

1332. Would 20,000 *l.* be too much?—You would require at least 20,000 *l.* It depends upon the scale on which you commence, but it is like all other mercantile business; if you get people to conduct it who do not understand it, it must fail. Unless a person is brought up to it, and understands it, he cannot succeed in any mercantile enterprise.

1333. Taking a company with a subscription to the amount of 30,000 *l.*, which you think is essential for carrying on properly a large fishery operation, must not the capital be owned by a large body of shareholders who will appoint their chairman, and directors, and other officers?—That has generally been the case.

1334. Does it make it any difference whether that proprietary be English or Irish; must not the mode of arrangement be pretty much the same to whatever country the shareholders happen to belong?—If capital is subscribed to any great extent for any mercantile enterprise, of course parties ought to be selected who are able to carry it out properly, and if those parties are not selected of course it cannot succeed.

1335. Is it your idea that the proprietors should also take an active share in the management and superintendence, and looking after it?—Of course, an active superintendence as regards the accounts, and looking after it would be necessary for their own satisfaction.

1336. You could not get a body of shareholders, subscribing 30,000 *l.*, to take an active share in the management?—When that sum is mentioned, I only speak of large companies; but the fisheries could be carried out by a company with considerably less money than that.

1337. Even if you take one-third of that sum, will not it necessarily involve the proprietary delegating to others, and to salaried persons, the carrying out of the operations, even if you go down to 10,000 *l.*?—If anything of that sort is undertaken, there must be some one or two persons who will take the principal part in striking out plans for the company, and of course it

it is then necessary for the shareholders, and those who have money in the concern, to see whether those views are correct or not; and in that case, if proper persons are engaged so as properly to carry out the fisheries and everything with reference to the nature of the coast, it will succeed; if they do not select such persons to undertake and manage the company, then it must fail.

1338. Must it not be supposed that every company, small and large, does that?—I have seen many instances where that is not the case, and where persons are employed both in the management and in the directory, who know nothing of the subject.

1339. Is there any guarantee that the same mistakes which have marred the success of former large undertakings will not be repeated if fresh enterprises are undertaken?—That may be, on a similar scale, the case.

1340. Under those circumstances it is not more probable that small companies, such as exist on the Devonshire and Cornish coast, where three or four boats are partially owned by the captain and the builder, the people who supply the gear, and who are upon the spot, will succeed better than even a company with probably 10,000 *l.*, where the proprietary must be at a distance, and cannot give the personal supervision to the matter which is essential?—You are speaking of all along the southern coast of England, where numbers of boats are employed in fishing, and where the tradesmen advance money, and also become security for the fishermen; but that is not the case on the coast of Ireland.

1341. But on the coast of Ireland you are of opinion that large fishery companies might be carried on?—Yes; but I do not recommend them; wherever you undertake a fishery, you must have capital; and on the coast of Ireland, you cannot get anything extensively carried out unless it is carried out in the way of a company.

1342. In fishery operations, more than any other operations, is it not desirable that the persons having their money invested should also take an active part in the practical operations of the company?—I suppose that those who undertake the fishery, and who subscribe to it, would be anxious to take an active part in it.

1343. Have you read the recommendations of the Commissioners of 1836 with regard to loans?—Yes; I have seen them.

1344. Do you concur with those recommendations?—Certainly I do fully.

1345. Do you think that the loans which were granted under the former system, up to 1830, were productive of great advantage in the way of attracting to that branch of industry many persons who otherwise would not have entered upon it?—I think that many persons got the loans, and that they were very advantageous to them; but I think that in many places they were applied differently, and not exactly for the purpose of the fisheries.

1346. General *Dunne.*] I understand that from your experience in managing the charitable association to which you have referred, you consider that if the funds were extended, it would be a great benefit to Ireland?—Yes.

1347. That is to say if managed in that way?—Yes.

1348. On a former occasion you gave evidence as to a sum which you asserted and proved before the Committee on Taxation, had a right to be appropriated to this object, but was stopped in 1830.—Yes.

1349. Are you aware what that sum was?—It was 5,000 *l.* a year. That sum arose from a grant which was made by the Government for the purpose of encouraging fishermen on the coast of Ireland, under the Act of 59 George III., and that 5,000 *l.* a year continued to be employed in the fisheries until the year 1824, when another Act, namely, the Act of 5 George IV., was passed, and it appropriated only 500 *l.* a year of that sum for the poor fishermen on the coast of Ireland, and made a grant of 4,500 *l.* a year to the promotion of the fisheries by piers or harbours.

1350. And the money was so applied for some years?—It was applied in that manner up to the year 1830.

1351. Was there any change in the administration of the Irish fishery laws at that time?—There was a change in the administration of the Irish fishery laws with regard to bounties. There was an Act of Parliament by which all bounties ceased at that time.

1352. Did that Act which repealed bounties repeal the 5,000 *l.* a year?—Certainly not, because it was continued on up to 1842; but no money was issued on acconnt of it after the year 1830.

1353. Are you aware that at two periods of the issue it lapsed for two years, and that the arrears were issued afterwards?—At the time when the bounties were given there were large sums of money appropriated from time to time for the bounties; therefore the 5,000 *l.* a year was not issued for two several years, but it was applied subsequently; again it lapsed, and I believe the Commissioners of Fisheries at that time had the opinion of counsel that the sum was available, and it then was drawn up to 1830.

1354. In fact, it was recognised by a subsequent Act of the Legislature, after they had suspended it for some time?—Yes.

1355. It then finally ceased on the transfer of the administration of the fisheries from the Fishery Board to the Board of Works, did it not?—The Commissioners of Fisheries, who had the management up to 1830, ceased to act, and then by another Act of Parliament they transferred all their powers to the Board of Inland Navigation. The Board of Inland Navigation only acted to wind up the affairs of the Commissioners of Fisheries, and they ceased then to draw or to seek for that 5,000 *l.* a year. Then another Act transferred all their powers, and all the powers which had been vested in the previous Commissioners, to the Board of Public Works.

1356. In fact, there was an intermediate administration for winding up the affairs of the Commissioners, before the Board of Works assumed the administration?—Yes.

1357. During that time, of course the money was not drawn?—Just so.

1358. And the Board of Works did not draw it afterwards?—They did not draw it afterwards, nor seek for it afterwards.

1359. And from that time it has not been drawn?—From that time it has not been drawn.

1360. Are you aware that there is an amount of some thousands drawn for Scotland, under the authority of the very same Act?—The sum of 3,000 *l.* a-year is drawn for Scotland under the

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authority of the same Acts of Parliament, and the Act of 5th of Geo. IV. allocated 2,500 *l.* of that amount to piers and harbours, and 500 *l.* to poor fishermen.

1361. In the Act of 7th Geo. IV., which repealed the bounties, was not there a special exception of repeal as to the monies applied for the purposes of piers and harbours, and the relief of small fishermen?—The Act of 7 Geo. 4 did not allude to the 5,000 *l.* a year at all, but only dealt with the bounties.

1362. And under the same Act the Scotch fisheries receive the 3,000 *l.* a year?—Yes; then the Act of 1842 was passed, and by that Act the previous Acts of the 5 George 4, and the 59 George 3, were repealed, excepting so far as related to that 5,000 *l.* a year.

1363. Therefore, in your opinion, that amount of 5,000 *l.* a year still remains due to Ireland?—It still remains unrepealed.

1364. And it should be legally voted each year?—Yes.

1365. Are you aware that the Government have disputed the legality of it, or have at least refused the grant?—I have not heard officially that it has been disputed or refused.

1366. Still, it is not granted?—It is not.

1367. Have you ever heard that any legal opinion was taken by the Government upon the matter?—I never saw nor heard of it.

1368. Are you aware that several Irishmen who are interested in the subject, have obtained a legal opinion as to that right?—There are several very eminent men in Ireland, some of the highest in position in the law, who have given it as their opinion that the 5,000 *l.* a year is still in full force.

1369. And that money, if applied, would be of considerable advantage to Ireland?—Certainly.

1370. Since that period, have not advances been granted by Parliament for piers, and so on?—There is an Act of Parliament by which, I believe, 7,000 *l.* a year can be granted for piers and harbours.

1371. But that is not an equivalent for the 5,000 *l.* which we speak of?—Not at all.

1372. You have not seen the opinion to which I have referred?—No; nor the case.

1373. Therefore, it would be advisable that this Committee should obtain the case and the opinion, in order to see whether it coincides with the opinions of Irish lawyers?—I think that it would be very desirable to obtain both the case and the opinion.

1374. As to loans, how could they be applied with advantage in Ireland?—I think that the loans could be applied upon the same principle as that exercised by the society of which I am a trustee, apply them. It requires very great care and caution in advancing these monies, but when they have been advanced under proper circumstances, and when the applications have been really good, the results have been very favourable.

1375. You would anticipate the same results from loans by the Government as in your own case, if they were equally well managed?—Certainly.

1376. Are you aware that at this moment there is a Bill before Parliament for loans to the manufacturing districts to a very large amount?—No.

1377. Will you look at this Bill which is now before the House; would the loans which you suggest, be on that principle?—The money, I believe, is to be advanced by local parties in any particular district.

1378. Would similar terms be equally safe in Ireland?—I certainly think so, on proper security being obtained.

1379. You will observe that in that Bill, there are loans for piers and fisheries as well?—Yes.

1380. Do you think that anything of that kind would be useful in Ireland?—Certainly.

1381. You never apply a part of your loan to making piers, do you?—No.

1382. Do you think that on the eastern coast, piers are wanted?—Yes, occasionally, along the eastern coast, I may say from Wexford up to Ardglass, there are several places where the boats have no shelter. There is no place which requires more attention than the harbour of Skerries, and Ardglass harbour is in a bad state.

1383. Has there not been a grant laterly for Ardglass?—I am not aware of it.

1384. But you conceive that that is wanted?—Yes, in different positions on the eastern coast.

1385. If those grants were made, would you put the adminstration of them under the Board of Works as at present; or would you have special Commissioners for the purpose?—With regard to the formation of the harbours, or the position where the harbours should be along the coast, it would be desirable to have the matter in the hands of those who understand the character of the coast, and the suitability of the fisheries, and everything of that kind; but of course for the erecting or the building, or the engineering part of the matter, or the expenditure of the money, it should be vested in the Board of Public Works.

1386. Would you wish for an administration separate from the Board of Works, or that the whole fishery business should be under the Board of Works?—I think that a separate administration would be most desirable.

1387. And that the Board of Works should only be referred to for the construction?—Yes.

1388. Colonel *Vandeleur.*] I think you have stated that you do not on the whole, conceive that the produce of the Irish fisheries has been reduced?—Certainly.

1389. That in fact, the Irish fisheries produce now as much as they did when the number of boats, as stated in the reports, was nominally double; that is what I have gathered from your answers?—Certainly; the fish all round the coast of Ireland, are as plentiful as ever.

1390. You think that the capture of fish at present, is as large as it was in 1846, when the boats and men were on the paper return nominally double?—I think that the capture of the fish now is as great as it ever was, and is as great as it was at that time, if not greater.

1391. Will you explain how that is?—It arises from the superior character of the boats, and the manner in which the fishermen are now enabled to conduct the fishery, which they could not do in the same way in 1846.

1392. I gather from you, that you think that fishing on the eastern coast has been made more a profession than it was formerly?—Ever since 1862, the fishery on the eastern coast has been progressing every year, and it has now very largely increased; the produce has greatly increased upon the coast of Ireland.

1393. Upon the western coast, you say the fisheries

fisheries have not improved?—They have only improved on parts of the western coast, where the men have had the means of getting good boats and good tackle, such as Dingle; they have largely increased, and have largely improved there.

1394. Have your society lent much money to fishermen there?—Yes, to a great number there.

1395. To what class of fishermen?—They are rather a superior class of fishermen there, and they have now large boats, and they are pilots; they have been very much improving in the fisheries for years; they have advanced very much and have good boats.

1396. Have you lent money to trawlers?—Yes.

1397. Do you know how many trawlers there are in Dingle Bay?—When I returned to Dublin I found that this paper had been sent to Dublin for me from the fishermen at Dingle. This is a letter signed by all the trawling men in Dingle, and there is also another signed by the canoe men there, stating how much the fishery has improved since the inquiry held by Sir Richard Griffith, in Dingle, upon the subject of trawling, when he decided that the boundary line should be altogether removed; and also showing the manner in which the men engaged in hook and line fishing have been benefited. This letter states: "We have now here 12 trawlers, averaging from 16 to 55 tons, and employing 48 men, with an average family of four each, making a total of 192 persons, solely depending on fishing." Years ago there were only a few canoes and a few sprit boats there. These men, who are fishing in deep water, are preparing a large extent of long lines to fish far out at sea, in 50 or 60 fathoms of water, off the land, where they have had such successful trials before.

[*The Witness delivered in the following Letter;*—]

"To William Andrews, Esq., &c., &c., Dublin.

"Sir, "Dingle, 31 May 1867.

"We observe by the 'Irish Times' newspaper, dated 25th May, that Mr. Blake, Member of Parliament, has succeeded in bringing to notice the Irish Deep Sea Fisheries, and that a Select Committee has been granted for that purpose. We rejoice to percieve that your name appears among the witnesses whose evidence will be sought, and also that of Sir Richard Griffith, the Chairman of the Board of Works, and Chief Commissioner of Fisheries. We are not unmindful of the good he did us, and the benefit he conferred on Dingle by his decision with regard to trawling, and breaking down the absurd boundary line in Dingle Bay, through the able part you took in our defence. The fishermen and fisheries of Dingle have been advancing ever since, and, we are glad to say, that fish of all kinds are as plentiful in the Bay as ever, and that our large boats have done well this season, although the weather has been more than usually stormy. We have now here 12 trawlers averaging from 16 to 55 tons, and employing 48 men, with an average family of four, each making a total of 192 persons solely depending on fishing. We know that you will have justice done to us, and that by your sound advice our fisheries and our fishermen will be improved. The valuable assistance you have given us in obtaining the loans has enabled us to have large and well found boats which can keep the sea in bad weather, and we now find that your judgment is correct that the large boats are more beneficial to us. We sincerely trust that you will be enabled to visit us at the end of June, as you propose doing, and going with our boats to the deep water soundings off the land, where you took us some years since, and with such great success to our trials. Some of the owners of the large boats are now preparing a great extent of long lines and deep buoy lines for that purpose. We all sincerely pray that your efforts may be crowned with success, which we are sure they will be if the opportunity be afforded you.

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"Signed by us, and in behalf of the rest:—

"Eugene Moriarty, owner of a large boat,
" and part owner of three more ditto.
"John O'Flaherty, pilot, and owner of
" two large boats.
"Joseph O'Flaherty, pilot, and master of
" boat.
"Stephen Long, master, and part owner
" of three boats.
"Patrick Long, master of a boat.
"James Pierce.
"Daniel Lyne, master and owner.
"Cornely Kennedy.
"John Lyons.
"Maurice Shea.
"Thomas Grandfield, master.
"Michael Long.
"James Shea.
"Patrick Sheey, master.
"Dan. Flaherty.
"Dan. Lyons.
"John MacKluddy.
"John Grandfield.
"Michael Grahan.
"Thomas Granfield, junior.
"John Moriarty, master and owner.
"Patt. Lyons.
"Patrick Denire, master.
"Thomas Moriarty.
"Eugene Curran.
"Patrick Flaherty.
"John O'Flaherty, junior.
"Jeremiah O'Connor, master.
"Patrick Keain.
"John McDonnell, master.
"John McDonnell, junior."

Witness.] The situation alluded to is beyond the Blasket Islands. All the fishing grounds are off the coast.

1398. Is it not the fact that there could not be a better situated place than Dingle for a fishing station?—As regards the River Shannon, there are fine banks for line fishing in the Shannon and outside the Shannon.

1399. Perhaps you are aware that there has not been the large hook fishing outside the Shannon for years?—No, not since the time when smuggling was carried on upon the coast.

1400. Are you aware that if hookers get outside they come inside the Bay, and that there are very few places to run for?—Yes, but there are places where there are great banks for turbot, and an immense quantity of fish.

1401. Are you aware that a steam trawler was used in the Shannon two years ago, and that she tried all those banks, and I believe with very bad success,

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success, so much so that it scarcely paid for the wages of the men and the coals?—I am not aware of the working of a steam trawler there at all.

1402. What is the amount of money which you have out at present in Dingle, which you have lent to fishermen?—I have not looked at the returns so as to know the exact amount, but the large boats at Dingle were provided out of funds advanced to the fishermen by this society.

1403. For which they pay no interest?—No interest whatever. They merely pay the instalments. They get whatever money is necessary for buying these large boats, and they get a certain number of years to repay these instalments, and they are charged no interest whatever.

1404. Do you say that at Dingle the fishery has been improving, and has suceeeded?—Yes, very much so, indeed.

1405. Where do they send their fish to?—To Dublin.

1406. Do you approve of the combination of farmer and fishermen?—No, I do not think that it would be at all advantageous.

1407. I dare say that you agree with what Sir James Dombrain said, namely, that at the very time when the men would have more chance of success than at another, they are mostly attending to their farms?—Yes, they never could be well, or regularly employed at any time. The great object of promoting fisheries is to rear a class of good seamen, and to provide good boats for them, in order that they should keep the sea, and should be of use in many ways.

1408. Reference has been made to Howth and to the herring fishery there, and it has been stated that it has not improved comparatively in the last year; but that there was a loss; that a company was formed at Howth, and that, although a very large quantity of herrings was taken there, was still a loss?—I know nothing about the working of the company, but I know that parties to whom loans have been made, have made a very good profit.

1409. It was stated either by Sir James Dombrain, or by yourself, that the loss was partly owing to the want of branding, and that the branding enhanced the value of the fish. I see that in the Report of the Royal Commissioners, they have recommended the doing away with the brand. They say, "We have carefully examined into the system of branding carried on by the Scotch Fishery Board, and we have arrived at very definite convictions, which cannot be expressed better than in the words of the Minute made by the Lords of the Treasury ten years ago, 'We are of opinion that the time has now arrived when the fishing trade may be entirely thrown open, and the artificial system created by the brand of the Fishery Board may be abolished, substituting for it the sounder system already adopted with regard to all other articles of trade;'" that is free trade, and with no branding?—Yes. With regard to the brands being required at Howth and on the eastern coast of Ireland, at present the demand for fresh herrings is so great, that they have not a sufficient quantity to cure for export, and that they get very large prices for the fish from the facility of sending it to Holyhead and to Liverpool. Sometimes from four to seven thousand pounds a day of herrings have been sold there.

1410. General *Dunne.*] Are there not 14 curing houses?—There are some. I know that persons have formed curing houses, but I do not know how they are worked at present.

1411. Are not the herrings of the first quality? They are very good.

1412. In many instances do they not fetch 5*s.* more than the Scotch herrings; I mean cured?—I do not know; they have only very recently cured a few, but the principal sales are of fresh herrings.

1413. *Chairman.*] Will you explain an answer which you gave to a gallant Member just now; you said that, taking the whole of Ireland, the capture of fish is as much at present as it was when the number of boats and men were something like three times the amount which they are at present; I wish you to inform me whether that is not the case merely upon two or three portions of the coast, and whether the capture has not actually decreased upon the western and the north-western and northern coasts?—On many parts of the northern and north-western coasts there is very little capture now; not from a decrease in the quantity of fish, but from the want of the means of fishing. There are positions upon the western coast which have greatly increased, and which send an immense quantity to Dublin; and that is also the case on the eastern coast, so that the quantity at present is very great.

1414. But although the number of fish round the coast is as great as ever, yet, from the want of means and appliances, the capture has gone down?—Exactly so; on different parts of the coast of Ireland. For instance, Killybegs was at one time one of the most extensive fisheries in Ireland, but now there are no means of fishing at Killybegs; but still the fish are there in as great abundance as ever.

1415. Colonel *Vandeleur.*] Do you state that on any authority, because Sir James Dombrain has stated, and I have also heard it stated, that the fish have changed their habits, and have not been there?—They are on the entire coast of Ireland just as much as ever, and in as large quantities, and there is no diminution at all in the take of fish. At Donegal Bay and at Killybegs the fish are as plentiful as ever.

1416. Then why do not the Kinsale boats and other boats go there as they used to do; because those fish were not so much taken by the boats belonging to the place, as they were by an amazing number of boats which were attracted there from other parts of Ireland to get the fish when there was this great glut?—Boats of 50 or 60 tons went from Skerries, and these places, to purchase those fish, and they likewise went from Dublin to Bantry Bay, and other places, but they have given it up now because they cannot get a sufficient quantity of fish to purchase. The Skerries fishermen were some of the finest fishermen on the coast of Ireland, and they had large boats, but after the bounties declined, and from other causes, they did not go for the purpose of fishing; they afterwards went for the purchase of herrings; they salted them and cured them on board, and brought them for sale to the different markets; the Skerries boats and the Balbriggan boats are now fitting out for the herring fishery on the eastern coast; it has been said that the herring fishery is a very capricious fishery; it is only capricious so far as this, that the herring is a deep water fish, and the best time for it to be taken is when it leaves the deep water to approach the land, and it is perhaps at a distance off the

the land that it can be taken; they never had any boats on the coast of Ireland to follow that fishing properly, and the Cornish men and the Scotch fishermen, and the Manx fishermen used to come there to fish; the Skerries and the Balbriggan, and the Howth men, now find it of such great advantage to cope with the Cornish men that a valuable set of boats is fitting out at Skerries, and at Balbriggan, and at Howth; there are now 116 boats at Skerries and Balbriggan employed in the fisheries, and between 50 and 60 large boats at Howth, where there were only a few some years ago.

1417. Mr. *Shaw Lefevre.*] Do not they do equally well with the Scotch boats?—Yes, they have finer crews in some instances.

1418. Do they confine themselves to the herring fishery?—They go to the mackerel fishing in the south of Ireland, which commences in the month of March, and goes on in the spring months, and they go to Kinsale, where there is a great demand, and they return to the eastern coast of Ireland for the herring fishery.

1419. Do they go up to the Isle of Man?—I think not.

1420. I understand that your association do not lend any money to the class of fishermen who are also engaged in farming?—Certainly not; when an application is made on the recommendation of any parties upon any particular part of the coast, it is left with me to learn how these fishermen are engaged, and how the fishery is to be carried out by them, and I can easily learn from their returns and reports whether the money is likely to be employed usefully or not.

1421. And you only lend it to men engaged all the year round?—Yes, to men who are fishermen, or engaged in the fishery.

1422. Upon what security do you lend the money?—The security of any of the coast proprietors, or of respectable tradesmen or shopkeepers.

1423. Is it a personal security?—They give a bond.

1424. Out of the number of men returned by the Commissioners as fishermen, namely, about 40,000, have you any means of saying how many are real fishermen, that is to say, in the sense of being engaged in fishing all the year round?—I cannot state at present how many men are so engaged, but in the coast-guard returns I believe that there are fishermen who have boats for any purpose whatever, or men who are employed in getting sea-weed, or in whatever way their boats may be employed, and perhaps occasionally in fishing.

1425. Very few out of those are real fishermen?—Not a very large proportion may be called regular fishermen, excepting at certain stations.

1426. I understand that you are in favour of drawing a five-fathom line round the coast, within which you would prohibit trawling?—My view with regard to trawling is, that I would remove all restrictions with respect to anything against the fisheries; but at the same time there is a great deal of evil in shore netting and small pole trawls, which do immense mischief. They injure the spawn very much, and destroy the fry. That appears from an inquiry on the coast of Devonshire several years ago. When I speak of trawlers, I do not allude to those small boats, but to the large class of boats of 40, 50, or 60 tons. These boats have a trawl beam of 45 feet in span, and a net 80 feet in length, and they have a heavy warp.

1427. You would not put any restrictions on the large class of trawlers?—No.

1428. You object to the small trawlers, and to sweep nets in five fathom water?—Yes.

1429. What injury do you think arises from them?—I think that a great deal of the fry is destroyed. We know that all ova-bearing fish spawn in shallow water.

1430. What class of fish do so?—Turbot, soles, and all kinds of flat fish.

1431. Do you believe that they spawn on ground where the trawlers can work?—Certainly not, the cod, or the ling, or the haddock, because they all spawn on the rough ground; a trawler can only work upon shingly ground, where there is no impediment, or on sandy ground; the fish do not spawn there.

1432. Then the harm which is done by these small trawlers, if any, is done to the fish which they could take themselves?—Yes; in two fathom water you may find an immense number of small turbot and fry of all kinds, where they remain till they have sufficiently grown to go into the deep water, and therefore it is that sort of trawling which destroys this fry to a great extent.

1433. Have you reason to believe that the trawlers drag up the spawn itself?—I cannot say that they drag up the spawn itself, because the spawn of haddock, or cod, or ling will be found deposited on rough grounds, and where nets could not possibly be used.

1434. Then your objection is mainly confined to the taking of small fry?—Yes, by the shore trawls or the shore nets; but at the same time I would remove restrictions from all classes of fishing, and if hereafter any evils are produced, or if it is shown that there is a diminution of fish, then bye-laws may be necessary to prevent it.

1435. But at present you would advocate doing away with all kinds of restrictions; and in the future, if you found that any damage resulted, you would draw a five-fathom line, within which you would prohibit the use of these small nets?—Yes.

1436. Have you ever considered what effect it might have upon shrimping?—I think that, from an inquiry on many parts of the eastern coast, very little shrimping is carried on in Ireland; but on the coast of England it has been shown to be productive of mischief in a small degree.

1437. But is not the shrimping a very valuable trade?—Yes.

1438. And is it not desirable that that trade should be carried on such a line as you have mentioned was drawn?—Yes; I only speak of the coast of Ireland.

1439. Have you paid any attention to the result of the prohibition of trawling in Ireland?—A great deal.

1440. In your opinion, has it been of any use?—I do not think that it has been of the slightest benefit in any way.

1441. Take the cases of Dublin Bay, and Dundalk Bay, and Drogheda Bay, where trawling is prohibited; do you think that an increase of fish is the result?—No.

1442. Or in Galway Bay?—No.

1443. Then does not that lead you to suppose that the prohibition which you recommend would be useless?—No, these prohibitions are now carried upon the eastern coast of Ireland; I may also

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also state, that a boundary line was drawn in Dingle Bay to a great extent, covering 18 and 20, and 25 fathoms of water; and even at Brandon Bay, where trawling is prohibited, there are 18 fathoms of water, with a fine, clear, trawling ground inside.

1444. You think that the prohibition is unnecessarily large?—Yes.

1445. But you expect to see some advantage from the drawing of a line?—Yes; I am of opinion that in some instances there should be a restriction to some extent, if found necessary.

1446. How do you think that it would be possible to restrict trawlers from fishing within the five-fathom line?—Large boats would never come within that depth; you will find that the five-fathom line is very close to the shore round the coast.

1447. How would it be possible to restrict the smaller class of trawlers from fishing within the five-fathom line?—Of course they would not fish if a restriction was put upon them; I know that they do a great deal of mischief.

1448. Then your rule would be to put a stop to the small class of trawlers?—Yes, when found to work injuriously.

1449. Are there many parts of Ireland in which the drag and sweep nets are used?—Not many parts of Ireland.

1450. Sir *Henry Winston Barron.*] From your experience, did you ever learn that a large quantity of small fry was destroyed by some of those trawlers?—Never by the large boats; but by the small boats a great quantity of the fry has been taken; those are small shore boats, merely boats with small hand nets, which are used in working along the ground in the summer months.

1451. Did you ever hear it stated that some of those nets were actually filled with small fry, which were found dead when they were landed; that there was a mass collected together in the pocket of the net, and that they were thrown into the sea again?—Those have been taken by the small boats.

1452. Small trawling boats?—Yes.

1453. Have you heard that they have been thrown again dead, in large masses, into the sea?—No, I never heard that, except from the Reports of the Fishery Commissioners, which have shown that to have been the case in Cork Harbour, and in other places.

[Adjourned to to-morrow, at 12 o'clock.

Thursday, 6th June 1867.

MEMBERS PRESENT.

Sir Henry Winston Barron.
Mr. Blake.
Mr. Bonham-Carter.
Mr. Cooper.
General Dunne.
Sir John Gray.
Mr. Kavanagh.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., in the Chair.

Mr. William Andrews called in; and further Examined.

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1454. *Chairman.*] From your reply to Mr. Shaw Lefevre yesterday, with regard to the removal of restrictions on trawling, are the Committee to understand you to say that you would be in favour of a total abolition of all restrictions on trawling; but that hereafter, if it was found that the removal of those restrictions proved injurious, you would be in favour of the establishment of a five-fathom line round the Coast?—Yes, that was my reply to the honourable Member yesterday; and I think so, because the present restrictions are so extensive, and apply to so great a depth of water, that trawling could not possibly be injurious to the fisheries. I think that all those restrictions may be removed, depending upon a proper investigation of the state of the coasts hereafter, as to where the restriction may be necessary. Soundings may be in Galway Bay, and in shallower places, where there may be a necessity for the establishment of a five-fathom line. I believe that yesterday some of the gentlemen present did not exactly understand the meaning of a five-fathom line, and I think that it is necessary to explain the meaning of a five-fathom line. I understand that there was a difficulty experienced by some of the honourable Members as to the proper meaning of it. In all the Admiralty charts, and in all the soundings, the five-fathom line is so clearly laid down, that there is no difficulty whatever in striking out any particular bounds of fishing as regards the five-fathom line, any more than as regards the present lines. You will see the dotted lines. If the five-fathom line was taken, and if there were no soundings within the five-fathom line deeper than what that five-fathom line round the coast represents (and the Admiralty chart gives those soundings), the five-fathom line would protect the most important part of the fisheries, namely, the fry or the young of the different species of fish.

1455. You would only resort to the five-fathom line in the event of the total removal of restrictions being found injurious?—Certainly; I would, in the first place, have a total removal of all restrictions; that is to say, the extensive boundary lines which now exist.

1456. The Chairman of the Board of Works, in his evidence, expressed himself as rather in favour of a close season for fish; do you think, considering the different periods at which fish spawn, that that would be very practicable?—What were the periods which the Chairman of the Board stated?

1457. If I understood Colonel M'Kerlie correctly (and he is now in the room, and will set me right if I am in error), he stated that he thought that the autumn could be better employed as a close season than any other period.—(Colonel *M'Kerlie.* May, June, July, and August.—Mr. *Andrews.*)—In the month of May all the fish have spawned, and there is no spawning of fish from May to September, excepting mackerel and herrings.

1458. Sir *Henry Winston Barron.*] It does not follow that you must not prevent fishing at that moment, because the spawn is deposited, and is in a position to be injured; and the young fry must a little later become liable to be injured and destroyed, if the theory be correct that the trawling destroys both the spawn and the young fry?—So far as this I agree with Colonel M'Kerlie, that a close season might be useful from the 1st of June to the end of September, because the trawling interferes with the herring fishery and the hake fishery, and it is after the season when the trawling could be of any use to the trawlers, and they might then turn their attention to the deep sea line-fishing. The trawlers could not do damage to the fry; the soundings, and the whole character of the ground where the trawlers work, would not interfere at all with the fry.

1459. There was a gentleman of the name of Captain Brabazon, who was examined before the Royal Commission; I am not aware whether you have ever read his evidence. I never saw the gentleman, but in his evidence he states, "I found, when I happened to be on board a vessel, when the trail-net was brought up, that only 25 fish out of 100 taken on board were fit for the market." He is then asked, "Were the rest small fish, unfit for the market?" and his reply is, "Yes; the rest were very small fish; they were shovelled overboard. When the net was hauled up I found them packed in the purse of the trawl." He is then asked, "Were they alive?" and his answer is, "No, they were generally dead when they were shot out, or nearly so. When they were shot overboard, the sea for, I suppose, 40 or 50 yards was strewn all over with this small dead fry"?—So far as that is concerned I have for many years, both winter and summer, been working practically on board the trawl-boats.

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We tested Galway Bay, and Dingle Bay, and Kenmare Bay, and, as far as I have seen, no fry have been taken by large trawls. I speak of those boats which should be allowed to fish without restriction, because they cannot possibly do any harm. If there are small trawl-boats or shore-nets which are worked in the shallow waters, I would have the restriction of the five-fathom line; but it should be first proved.

1460. It may depend upon the mesh?—In the working of a large trawl-boat, of course there is a regulation as to the size of the mesh; but that does not affect the system of trawling, because, in working in a heavy sea, there is a heavy strain, and the meshes all become elongated and drawn, and therefore whether it is a small or a large mesh is immaterial.

1461. Colonel *Vandeleur.*] What period do you suggest for a close season?—From the first of June to the end of September.

1462. *Chairman.*] Is it not the fact that, during the other months when you would allow trawling in the bays, a very extensive amount of trawling goes on?—In the spring months.

1463. Will you state the months in which the different fish spawn; you would recommend a close season, from the 1st of June till the end of September?—Yes. The fish on the western coast are much earlier in spawning, and there is more necessity as to the control of the trawl-boats than on the eastern coast; on the eastern coast the fish spawn later.

1464. From the 1st of June till the end of September, do the fish spawn?—No, they have all spawned before that period. The large trawl-boats cannot work where they spawn. The fish do not spawn upon hard sand, or upon exposed places; where there is no place for the spawn to attach, and where the working of the sea could affect the spawn, they always deposit the spawn in some place where it can be secure.

1465. It was stated by the Chairman of the Board of Works, that he believed that fish spawned upon hard sand; is that the case?—I cannot agree with that; I have been working for many years, and I have collected all kinds of spawn, and all kinds of young fish, and a very fine series will be placed in the Museum of the Royal Dublin Society, where they will be explained; and these explanations I have given, from time to time, from practical experience; and so confirmed have those views been by the Dingle fishermen particularly, that they are now working more harmoniously and better than in any other part of Ireland. I gave in a document yesterday, showing that, as regards trawl-boats, they were so satisfied about the times for trawling, that they were fitting out a length of long lines for going out far westerly of the Blaskets in 60 and 80 fathoms for the cod and ling fishery in the summer months, which they had never attempted till I took them out.

1466. Is it not the fact that a trawler cannot work with safety to the trawl unless upon a tolerably smooth bottom?—Most classes of trawl-boats, even from 20 tons up to 50 or 60 tons, cannot work their trawls upon anything but a smooth or even bottom; they cannot work where there is any impediment. Therefore I may say that our trawlers are the best pilots on the coast of Ireland, because in trawling they must know the soundings and the nature of the coast; they must know the bearings of the soundings, where the rough ground is, and where the ground is on which they can work their trawls; and they cannot work on any other than smooth ground. They cannot work upon that character of ground where the fish spawn. For instance, the cod and the ling spawn during the winter months, from December to February, and at that time they come close in to the coast to spawn; and it is then that the fishermen on the coast take those fish; it is the only time they can take them, because they have not boats with which they could venture to go into deep water. The codfish spawn at Christmas, and, therefore, in the Dublin markets you see them, at that time, full of spawn; but, properly speaking, they are in bad condition. The codfish are in the primest condition in the summer months, and also the ling, and the haddock, as well as other kinds of white fish which are taken; and those are the only months in the year in which they are fit to be taken.

1467. Is it not a fact that a trawler of, say, 50 tons cannot trawl satisfactorily in much less than five fathoms of water?—Anyone with nautical experience must be satisfied of that, because a boat of 50 or 60 tons, with a trawl-beam of 45 feet span, and a net of 80 feet in length, and with 40 to 60 fathoms of trawl-gear out, could not risk it in shoal water; they always fish in deep water.

1468. What is the least depth of water in which fish spawn?—From about three fathoms to five and six fathoms; the round fish spawn in deeper water than the flat fish.

1469. Therefore a large trawler could not trawl in the depth of water where most of the fish spawn, even assuming that the bottom was suitable?—A large trawler could not trawl where it would be injurious to the fish. Cod, haddock, and ling, as an example, spawn in seven or eight fathoms; but they generally spawn in shoal water. The salmon run up to the shoalest water, and there deposit the ova. If the ova of the salmon was deposited in deep water it would never vivify.

1470. Any injury which is likely to be done to spawn must be by a trawler of five tons and under?—Yes; such boats as fish in very shoal water.

1471. Therefore do not you consider that a regulation in an estuary which allows vessels of five tons and under to trawl, and precludes those above that size, is an exceedingly inconsistent one as regards the preservation of the spawn?—I certainly think it a most inconsistent regulation.

1472. Will you describe to the Committee the working of a trawl (*handing a Model to the Witness*)?—(*The Witness described the same.*)

1473. An impression prevails that the working of the trawl upon the ground scrapes it up considerably; is it not the fact that there is only a breadth of three inches?—The trawl iron is not more than 3 to 4 inches.

1474. The head irons and foot rope are the only things which go along the ground?—Yes.

1475. Is the foot rope of that dimension and weight which is likely to scrape up the ground?—Certainly not; the foot rope is only of sufficient weight to keep it on the ground, and to trip over uneven ground. In catching a turbot or a sole some of the trawlers find it much better to keep a good way on the boat. In some parts of the coast where there are ridges they do not like it, because of the great strain. When I first went to Dingle Bay, although I knew the bay to be full of fish, I was obliged to test the whole of the bay by soundings,

soundings, and I gave to the Royal Commissioners soundings which I had made myself of Dingle Bay and Galway Bay, and which show that there are only certain portions of the bay in which trawlers can work. You have mentioned that the trawl irons are three inches in breadth; that is quite correct, and the weight is only sufficient to keep the beam from floating; it does not make anything more than a little indentation without injuring anything upon the ground.

1476. Even supposing that there was spawn upon the banks which the trawl went over, the injury could only be to the extent represented by three inches of the trawl irons?—Yes; and besides that, even if the spawn was removed it would not be destroyed or injured by the trawl.

1477. Is the foot rope so heavily laden, in order to keep it down, that it would tend to scrape up the bottom?—It is only of such dimensions and weight as to keep the foot rope driving easily on the ground. Sometimes the ground is very soft and muddy, and therefore they avoid having a heavy trawl foot rope.

1478. Is it not also proved that if spawn should happen to be detached from their holding ground, the vitality is not destroyed?—The vitality would not generally be destroyed.

1479. If injury can be done at all in the way of trawling, it is by those trawlers which the bye-laws of the Board of Works permit to trawl in very shallow water?—What we call pole-trawls and little hand-nets, and those which trawl in very shallow water must capture a great deal of fish.

1480. Is not the seining which is now permitted in bays by the Board of Works destructive of a great deal of fish?—In some places there is what we call shore-netting. There is a net carried out inclosing the whole line of the shore. At certain seasons of the year, when the fry are in shoal water, that seine must draw in a great quantity.

1481. The honourable Member for Cork yesterday stated that the large trawlers did a great amount of injury by going through the apparatus connected with the long lines of the fishermen off that coast; does that often occur in trawling? — It has occurred in different parts. There have been great complaints along the eastern coast and in Dingle Bay, and in Galway Bay; but the trawlers do not interfere with the long-line fishermen; and if any injury is done it is paid for; but the long-line men are now so satisfied that there is a perfect understanding on the eastern coast and in Dingle Bay.

1482. If a long-line fisherman saw a trawler coming on he would not have time to get out of the way?—I do not know whether there are very frequent occurrences of that.

1483. A trawler at any time can avoid the long lines. The buoys supporting the long lines will always point them out?—Yes; if they are sufficiently conspicuous.

1484. You have some experience of the restrictions on trawling in Dingle Bay?—Yes.

1485. Do you consider that they were advantageous? — They were very injurious. The restrictions were formed through the application of parties who were fishing up the bay, who said that the trawlers destroyed all the fish; but, so far from that being the case, the fish are as plentiful and as large in size as ever, though the trawlers have been working there for many years. When Sir Richard Griffith held the inquiry in Dingle, it was proved to him by the evidence both of the line fishermen and of the trawlers, that no injury or destruction was committed either to the fry or to the spawning grounds by the trawl-boats; and that, although a boundary line was drawn, shutting off a great extent and depth of water from the trawlers in Dingle Bay, the linemen and the hookmen fished among the trawlers outside the boundary line. In Brandon Bay a boundary line exists, where no trawlers are allowed to go, and from that side the men bring their canoes across the peninsula to fish in the very place where the trawlers are at work, which proves that there is no injury whatever caused to the fishery by the trawlers.

1486. In addition to the cases stated yesterday where the fishery was flourishing on the eastern coast, you indicated some places on the southern and south-western coasts where the fisheries were getting on tolerably well. Are you of opinion that the fishery might be prosecuted in other places upon the western and southern coasts with advantage?—There are many places where the fisheries could be carried on just as successfully as they are at Dingle, Kinsale, and other places. The Kinsale men were always remarkable years ago as long-line fishermen, and they went round Cape Clear, and they were called "Capers" from that very cause. Since then they have not had the means of carrying out those fisheries successfully, and they do not go there with large hookers; but the Kinsale men have now become famous as mackerel fishermen, and for years the mackerel fisheries have been most extensive. We have likewise the French boats fishing from 20 to 30 miles off that coast, and taking a great extent of fish every season; the Kinsale men have never done so till lately. The Howth boats and the Balbriggan boats of 20 to 30 tons go there, and have a most successful fishing in the spring months.

1487. Has not your society largely aided their efforts in that way?—I heard it stated by some witness that the fishery in Dingle Bay was pursued by Dublin people, and was fished by Dublin boats. That statement is incorrect; the men in Dingle Bay have all their own boats, and the society of which I am a trustee, have advanced sums from time to time to them which they have repaid, and those men who commenced with very little money have their own boats, and they have everything for carrying on the fishery extensively, both the line and the trawl fishery.

1488. Were those men aided by your association?—Yes; the first thing which occasioned the prosperity of Dingle was the loans from our society; before that they had nothing but heavy open boats carrying six, seven, and eight men, and canoes.

1489. If the operations of your society were of a more extensive character I presume that similar benefits would be extended to fishermen in other parts, would it not?—Decidedly so. The advantages of the society of which I am a trustee are not generally known round the coast of Ireland, because we have not large sums to lend out.

1490. If the Government adopted the principle of lending money, it would then become tolerably well known, and would be largely availed of?—Certainly; because we have the Report of the Commissioners of Fishery Inquiry in 1836, in which they state that the fishermen availed themselves of the loans which were made, certain

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sums of money being appropriated out of the grant of 5,000 *l.* a year. At one time 10,000 *l.* was allocated towards loans to fishermen, which were of great benefit. In the Report of 1836 the Commissioners speak of the great benefit which had been conferred upon the fishermen, and that they had gladly availed themselves of those advantages; but in 1830 it ceased altogether. If you will refer to the Report from Scotland you will find that the loans were given to fishermen, and that the applications were beyond what they had the means of giving. Then, in 1850, those grants to fishermen ceased; 3,000 *l.* a year was granted to Scotland, of which sum 500 *l.* a year, under the Act of 5th Geo. 4, was paid to poor fishermen, but it is now entirely appropriated to piers and harbours.

1491. Sir James Dombrain stated that, with few exceptions, every locality had boats suitable for fishing off the coast, and that he did not think it desirable to have more boats; what is your opinion upon that point?—So far as that goes, they must suit the boats to the locality, and if the locality was made more suitable they would have the boats for it.

1492. Sir James Dombrain also stated, that he thought that there was sufficient accommodation in Ireland at present in the way of piers and harbours; do you think so?—There are many positions round the coast of Ireland where they could be greatly extended for fishery purposes alone.

1493. Do you think that if piers were constructed in different parts of Ireland a better class of boats would be established?—Decidedly; for wherever a good harbour is formed, you will have a good class of boats.

1494. You mentioned yesterday, that taking the whole capture of fish in Ireland, you considered that it was quite as much now as when the boats and the fishermen were much more numerous than they are at present?—The fishermen years ago were far more nnmerous, and the nominal number of boats was greater; but I say that the quantity of fish is as great as when there were double the number of men and boats.

1495. Does not that arise from the greatly increased capture which has taken place upon the eastern coast and a portion of the southern coast only?—Yes; the amount of fish now taken on the eastern coast, and at Kinsale, and at certain positions upon the western coast, is greater even than when there were three times the number of boats and men.

1496. Is it not the fact that along the western coast and the north-eastern coast, and portions of the southern and south-western coasts, the capture has considerably declined?—The capture has altogether declined in many localities, for the men have not the means of prosecuting the fishery, although the fish are as plentiful.

1497. The increase has arisen from the increased capture in the parts which I have mentioned?—Yes; a very large amount of fish has gone to Dublin and for England; greater than there was years ago.

1498. In what is that increase?—In herrings, mackerel, and trawl fish.

1499. But there is a very large amount of valuable fish which might be captured, but which is not captured, owing to the want of appliances?—Yes, certainly.

1500. Are you aware that round the coast of Ireland there are fishery grounds which have not yet been availed of or utilized. Will you point out upon the map certain places where you consider that the fisheries might be more developed?—You might take Kenmare Bay, Dingle Bay, Galway Bay, Blacksod Bay, and Bellmullet. There is Donegal Bay, and there is Sheephaven; and off Tory Island, on the north-west, there are the finest grounds for cod and ling, which are now availed of.

1501. It is stated in the report of the Royal Commissioners, that there has been no evidence to show that in former periods the supply of fish was great off the coast. Did not two or three foreign countries pay, in former times, large sums to be allowed to fish off the coast of Ireland?—Yes.

1502. In the time of Charles I., did not the Dutch pay him 30,000 *l.* for the privilege of fishing on only a small portion of the coast of Ireland?—The Dutch had a large fleet fishing off the coast of Ireland, and they were so successful that England bought from them to an immense extent. This, of course, gave rise to the view that the fisheries of Ireland were so extensive that these large sums ought to be introduced into the country itself, and therefore the Dutch were ordered off, and not allowed to fish.

1503. Did not the Dutch pay Charles I. 30,000 *l.* for the privilege of fishing?—Yes; they were driven off, and having been beaten off they found that they were losing such amazing advantages that they gave the sum of 30,000 *l.* to be allowed to continue to fish.

1504. Did not they continue down to the time of Oliver Cromwell?—Yes; the French also were all driven off at that time.

1505. What portion of the coast did the Dutch pay 30,000 *l.* to fish upon?—Off the Blaskets and Dingle Bay, and the Arran Islands, and off Tory Island, on the coasts of Ireland.

1506. Did not Philip II. of Spain pay a large amount to the British Government for the privilege of fishing?—There were large relations between Galway and Spain, and a large amount of fish was taken there. There were sums paid by Spain and by the Dutch.

1507. Is there not ample evidence to prove that the fisheries were very extensively carried on in Ireland in olden time in places where the fisheries are not prosecuted now?—Yes.

1508. You expressed a strong opinion yesterday in favour of persons devoting themselves exclusively to fishing pursuits, and not combining farming with fishing. Would it not occur that the fisheries would not be properly developed if persons following agricultural pursuits did not occasionally resort to fishing?—With regard to that subject, I should mention that applications have been recently made to the society for loans to assist these fishermen and farmers, and when we find the application well grounded we advance money to these half farmers and half fishermen; but in many cases we are obliged to be very guarded, because they apply the money to their land instead of to the fisheries. In the Reports of the Fishery Commissioners there is a very excellent report upon the subject.

1509. You have advanced money to half farmers and half fishermen?—Yes.

1510. And you have got it back again; you have never lost anything by it?—That is certainly the case.

1511. Are you acquainted with the manner in which the supervision of the fisheries is carried on

on by the Board of Works in Ireland?—I cannot say that I am. I have never had any relations with them upon the subject.

1512. Do you think that the management and supervision of the fisheries of Ireland is satisfactory?—Decidedly not.

1513. Why do you think that it is not satisfactory?—I think that the Board of Public Works have very heavy and severe duties to carry out. They have no staff, and they have no one to inspect the fisheries as they ought to be inspected; and, so far as I know the coast of Ireland, not a single visitation has taken place for some years past of any of those stations to which our loans have gone. It is necessary that proper inspectors and proper persons should frame proper reports; and that they should not be framed from mere communications or mere hearsay.

1514. Would you be in favour of the supervision and control of the fisheries being kept under the control of the Board of Works, instead of a board devoting all its time to them?—I will not give an opinion one way or the other; but I think that there should be increased means of superintending the fisheries properly, and understanding them properly, so as to promote and advance the fisheries. I heard it stated the other day, with regard to Dingle, that it was prosperous, but the means by which that prosperity was advanced was altogether incorrectly stated, so far as I can recollect.

1515. Do you consider that two inspectors of the fishery going round the coast would be found useful?—Yes; for the coast fisheries I think that there is an absolute necessity for two inspectors.

1516. Have you read the portion of the Bill which authorises the granting of loans to proprietors for the formation of oyster beds upon land adjoining their estates?—Yes.

1517. On principle, do you agree with it?—Certainly.

1518. If Parliament sanctioned that, would it not add very considerably to the duties of the Fisheries Department in Ireland?—Very much so; because the regulation of oyster beds now is rather complicated and difficult, from the neglect which has taken place. A late friend of mine, Mr. Wynne, of Sligo, had most valuable oyster beds along the Sligo coast, but they were neglected. I believe that some portion of the beds was dredged over, and then it is claimed as a public right. There must be some regulation in that respect.

1519. Do you think that oyster culture might be carried on in Ireland to a much larger extent than it is at present?—To a considerably larger extent.

1520. Would the profits to the cultivators be of a sufficiently encouraging character to induce parties to go extensively into it?—Yes; for instance, the Malahide beds are now idle; those beds were held from Lord Talbot, and were annually stocked, but the prices of oysters are now so high that they are idle.

1521. Would it not be most desirable for the development of the oyster fisheries, that somebody should be connected with the board to give information as to the proper mode of culture?—I think so, though there is no difficulty in the formation of an oyster bed.

1522. With regard to branding, are you of opinion that the branding of herrings, if continued in Scotland, ought to be extended to Ireland?—Certainly, if it is continued in Scotland; but the whole of the western parts of Scotland reject the brand, it is only used in the eastern parts. The value of the brand is in the Continental markets, to which Scotland largely exports. Where there is a brand, there is no difficulty in transmitting the fish into the interior. The fish that can be cured on the coast of Ireland are very fine. On many parts of the coast of Ireland the Scotch herrings are not at all superior to the Irish.

1523. Have you read the clause of the Bill with regard to the regulations for voluntary agreements between the owners of fishing vessels and the crews; and do you think it a desirable one?—That is entirely a regulation between the boat-owners and the crews; some boat-owners are more stringent and more difficult to manage than others; but so far as I have had experience, when a proper and fair arrangement has been made with the men, and when those who have control over the men properly understand the fishery, and can properly control the men, there is never any difficulty about them.

1524. You are aware that at present there is no mode laid down by which the owners of fishing-boats and the crews can make agreements with each other?—I know that there is no regulation at present.

1525. The arrangements are of a twofold character; they are sometimes by shares, and sometimes by wages?—Yes.

1526. And, according to the present system, there is no arrangement by which either the owner is bound to the crew, or the crew are bound to the owners. Do you think that some simple arrangement, such as is prescribed by the Bill for that purpose, would be desirable?—I do not think that it would be desirable.

1527. Would you leave the matter as it stands at present?—I would leave it to those who own the boats.

1528. Allow me to read the clause to you, because it is purely of a voluntary character; it is clause 10: "The inspectors shall frame regulations, subject to the approval of the Lord Lieutenant, as to voluntary agreements between the owners of fishing vessels, boats, and crews, as to the period and nature of service, and remuneration." Then the 11th clause is, "Forms of agreement in conformity with same to be provided by the inspectors, and to be procurable at every coast guard station, on payment of a small fee; such agreements, when signed by the contracting parties, in the presence of a magistrate, to be legally binding; and any breach of same, on conviction at petty sessions, to be punishable by a fine not to exceed 5 *l.* for each offence." So far as voluntary agreements are concerned, do you think that enactment a desirable one?—There is a great difficulty with regard to that, because, when you engaged the crew, the season might be favourable, or it might be unfavourable. You might have the owner of the boat wishing to carry out a system of fishing which the fishermen would not consider desirable. It is not like the mercantile service, where you engage a seaman for the voyage, and bind him to regulations of that kind. There would be a very great difficulty in saying that the men should be bound to work, and to do what you desired, perhaps at a loss, where the fishery had not been properly tried, or perhaps upon a part of the coast where their services were not successful.

1529. Could not you bind them to a certain period?—So far as that goes, if there was a clause

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to protect boat owners, and those who were working the fisheries, by binding these men in that manner, perhaps it would be desiriable; but then it rests with the men who would be the crews under those circumstances.

1530. Are you aware that in certain localities where the sea fishery and salmon fishery are carried on, the men have run away from the sea fishery when the salmon fishery has come on, the latter being easier and more profitable, and that, under existing circumstances, the owners have no redress?—I am not aware of anything with regard to the salmon fisheries.

1531. Are you aware of such cases?—I never heard of a case of that kind.

1532. The Royal Commissioners state that the fishery laws are numerous, confused, and complicated, and strongly recommend their consolidation in one Act; do you think that desirable?—Yes.

1533. Have you read this Bill?—Yes.

1534. Do you think that it contains a satisfactory consolidation of the fishery laws?—I think that the Bill might be made a little more extensive. The Act of 1842, with regard to sea-coast fisheries, has been most carefully framed by most eminent lawyers, and if it had been carried out, the state of things would have been very different from what it is at present.

1535. What additions would you suggest to this Bill?—I think that clauses might be added to it which would be useful.

1536. Will you consider the matter, and hand in your suggestions as a paper?—Yes.

1537. I asked you yesterday whether companies formed with a large capital, with a board of directors, chairman and secretary, and other salaried officers, and generally consisting of shareholders at a distance, had not universally turned out failures?—Certainly, when managed in that way.

1538. You have spoken of the desirability of more capital being employed in the fisheries?—Yes.

1539. Do you think it desirable that in the getting up of companies, those companies should each employ a large capital, or that it would be more desirable to have small local companies where the capital would be supplied in the district in which the fishery was carried on, and where the working and superintendence of the undertaking would be, generally speaking, in the hands of the proprietors themselves?—What I intended to convey yesterday was, that it was absolutely necessary to have large capital on particular stations upon the coast of Ireland, but not worked by a public company, where the directors and others who might subscribe the money would not understand the subject. For instance, at such places as Dingle, Kinsale, and places on the western coast, and you may say at Howth and Skerries, it would require considerable capital. You must have a staff of men for the curing of fish. At different places there is an enormous amount of cod and ling which could supply the Irish market, and could supply a large export. I had a certificate from an eminent firm that they could not tell the difference between the Shetland ling and the ling cured at Dingle, and that even there was a superiority in the Irish ling. We have no curing houses, and we have large quantities of ling which come in from Scotland and the Orkneys; andwe have large quantities of herrings. Even at Galway, barrels of Scotch herrings are imported every year. These are things which are continually going on, when we could have a supply for ourselves. During last Lent, and the Lent before, they were obliged actually to have Newfoundland cod and Norway ling in the market at a high price. When we were curing ling, the price of ling was only 15 *l.* a ton, which we sent up to Dublin. The ling was actually selling during last Lent in Dublin market at 38 *l.* and 40 *l.* a ton.

1540. Would not all the objects which you state be more likely to be carried out where the proprietary consisted of practical men, and where the proprietors were working men, who would themselves look after the fishing boats and other matters. Do you know Mr. John Goode, of Dublin?—Yes.

1541. He owns about 12 trawlers?—Yes.

1542. He looks after these trawlers himself; he is a boatbuilder, is he not?—He is.

1543. He is a ropemaker also, and a sailmaker, is he not?—Yes, he makes all his own sails and stores.

1544. Those boats are owned by himself and his brother, I think, and some other member of his family?—Yes.

1545. Has not his enterprise turned out a success?—Certainly.

1546. Is it not the fact that at this moment boats belonging to a large proprietary, in which a great sum of money is invested, and which are working side by side with Mr. Goode's trawlers, are not turning out a success?—I do not know anything of that company, but I know that there is a company who are merely working for herrings.

1547. Would a concern like Mr. Goode's be more likely to turn out a success than one with, perhaps, three times the number of boats, and three times the amount of capital, and worked by parties at a distance, such as a chairman and a board of directors and a secretary, the concern being under the superintendence of salaried officers?—That has been the cause of all the failure; the fishery has been conducted in that manner instead of by local proprietors, or persons who have looked after it, like the Montgomery's at Howth.

1548. Do not they own almost all the capital themselves?—No; our society has advanced very greatly to them.

1549. But the Montgomery's are liable for the repayment of those loans themselves, are they not?—Yes, and that is what we desire.

1550. They personally superintend the whole business?—Yes.

1551. Their enterprise has turned out a success?—Yes.

1552. But enterprises in which some 30,000 *l.* or 40,000 *l.* have been invested, and where much of the management has been at a distance, and not in the hands of practical men, have turned out failures?—They have; but I wish you to understand from me, that to work the fisheries properly, so as to have curing houses, and to turn every system of fishing to account all through the year, you must have a considerable capital; but I say that if that capital is worked by persons at a distance it will always fail; it must be done by local people on the spot.

1553. But might not it be done by companies having a capital of, say, 5,000 *l.*?—The fitting out of one boat will cost 1,000 *l.* One of Mr. Goode's large boats cost 1,100 *l.* in fitting out, with all her gear and everything.

1554. Mr. *Kavanagh.*] Of what size is that boat?—She is over 60 tons. He has shown the whole statement of the expense. When this vessel was ready for sea, with all her necessary stores, her value would be 1,100 *l.*

1555. That is one trawler?—Yes; and there are others larger than that. One of the luggers on the southern coast of England costs 700 *l.* or 800 *l.* I have returns from the south of England, and from other places, of the value of these boats.

1556. Colonel *Tottenham.*] I think that you mentioned that there were some large boats at Kinsale?—Yes; there are a great number of boats there fishing for mackerel.

1557. Have they been recently put on the work?—They were put on not very long since. There are some very enterprising people there of the name of Daniel.

1558. Have your society been instrumental in starting that enterprise?—Yes; we have lent money at Kinsale.

1559. Was it the case, that before that very little was done?—There was always more or less going on, but it has improved latterly.

1560. Owing to the accommodation given by your society?—We have advanced money to some parties there, but not to all.

1561. Then they can get on without any advances?—At such a place as Kinsale, where there are very valuable fisheries, they may employ their capital in it, there being people who have capital. I have known of several people who have embarked money in providing boats; for instance, Captain Stanley, late of the 32nd Regiment.

1562. There are great conveniences at Kinsale?—Yes, it is a first-rate station; there is a ready market for all their fresh fish. They have not taken advantage of the herring fishery, but in mackerel fishery the Kinsale men are very successful.

1563. I understand you to say that harbours are wanted on the western coast of Ireland?—Yes, and on the eastern coast.

1564. What sort of harbours?—Harbours for the protection of boats of 40 and 50 tons, and where boats can get in at low water; that is the great difficulty.

1565. Then you do not mean small harbours, where small boats can run in, at any part of the coast?—No, I mean proper harbours at proper points.

1566. Which would become centres of fishing?—Yes.

1567. You would not recommend that at every little creek a harbour should be made?—No; it is only where there is any important fishery.

1568. I suppose that there can hardly be any important fishery unless there is a market?—The markets are now increasing very greatly; in Dublin and at every point. From whatever point in Ireland the fish can be sent, they are purchased and are sent to England. There are steamers waiting at Kinsale to take the fish fresh for the English market, and they are bought up for that purpose. At Howth there are steamers which take all the herrings which are captured there fresh, to the English market.

1569. But unless you had the fisheries, there would be no use in building fishery piers?—The inland markets are now very badly supplied, and therefore if there were fishery piers upon particular points of the coast where communication inland might be made, it would greatly add to the supplies of the country.

1570. If there was a demand inland, would not the fisheries be sufficiently stimulated by that demand?—There is always a demand inland, but there is not the supply.

1571. As I understand, one of the reasons of the fisheries having fallen off in Ireland is owing to the famine having produced a diminution of the population?—The population has very considerably decreased; but the demand inland would be very great, and the towns along the coast are numerous.

1572. If the demand has increased, to what do you attribute the falling-off of the fisheries?—To the want of capital and the want of having good serviceable boats to carry on the fisheries, and therefore many of the people have emigrated.

1573. So far as local conveniences go, they exist now as much as they ever did, that is to say, fishery piers, and harbours?—They exist now around the coast, but the small piers are not of a class sufficient to protect the boats, and to give encouragement in the advancement of the fisheries.

1574. They are not fewer now than they were before the famine?—None of them, I believe, have been increased lately solely for fishery purposes.

1575. But still they have not diminished?—Some of them have gone to decay; many of the piers erected by the late Alexander Nimmo, the engineer, have been destroyed; but it is not from the want of proper erections, but from the small means allocated.

1576. I suppose that the local facilities are nearly as good now as they were then?—Yes, in most places.

1577. As regards your loans, I understand that they are without interest?—Yes, the loans are all granted without interest.

1578. Would you suggest that the Government should advance loans without interest?—That is a question to be considered; I think that a small rate of interest might be charged; but formerly the Government did give loans practically without interest, because perhaps one-fourth of the loan was a free grant, and the parties only paid three-fourths back; but they had a shorter time allowed for the repayment of those loans, and therefore it came to the same thing.

1579. Do you give anything as a free grant?—No.

1580. How long do your loans stand for?—We generally advance from 10 *l.* to 500 *l.*, according to the application, and on ascertaining that the money will be properly applied; no instalments are required for the first 12 months, and after that time the sum is divided into half-yearly instalments, the whole being payable in two and a-half years.

1581. Sir *Henry Winston Barron.*] That will be three and a half years from the commencement?—Yes; and we have hitherto found these instalments paid without difficulty.

1582. Colonel *Tottenham.*] Have you any penalties for non-payment?—No; if a representation is made that there is a difficulty about paying the instalment, and if the representation is proper and reasonable, we give a longer period; but we have had very rare cases in which to sue, or to suggest to the trustees to take any legal steps; the instalments have almost always been faithfully repaid.

1583. Have the applications for time been numerous?—

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merous?—Not many. It has very seldom been the case, excepting under peculiar circumstances; the instalments have generally been regularly and properly paid.

1584. Your lowest loan is 10 *l.*?—Yes.

1585. If the Government consented to loans of this character, would it not entail a very great expense in the management of the accounts?—I should say not; I should say that it being for the support and prosecution of the fisheries, it is through the body having the superintendence of the fisheries that the loans ought to be granted; because they, knowing the state of the fisheries, and knowing that the applications were properly made, their officials could regulate those loans without difficulty.

1586. But you contemplate very large sums being lent?—To whatever extent the applications were, I think that grants ought to be made, in order to encourage the fisheries.

1587. Would not the applications be so numerous that a large staff would be necessary?—There would be no difficulty in a system being established to go through them.

1588. Do your society require any local knowledge of the parties who apply?—Certainly. As regards any part of the coast of Ireland from which applications are made, the trustees are supposed to understand that coast, and the desirability of lending the money. The parties must show whether they have embarked in the fishery, and to what extent, and the range of the fishery ground, and we decide whether the application is a proper one for us to entertain, and we always refer to some responsible party on that part of the coast as to the correctness of the application. By the bond, the applicants are obliged to make returns to us when called for.

1589. There is no penal clause in the bond?—No.

1590. I think that you have stated that in some cases the half farmers and half fishermen have had assistance from your society?—Yes; the object of the society is the relief of the distressed peasantry of Ireland, and the application of the money is chiefly directed to the advancement of coast fisheries; and therefore we do not travel out of our way, but we give small sums of money to assist these half farmers and half fishermen. In many cases we know that the money will be applied for the fitting out of their boats; in some cases they do apply a portion of the money to their farms; at the same time, if they are persons deserving of assistance, we do not so much object to that when small loans are given in that way; but still we do not encourage that class of fishing.

1591. I suppose that the Government would have to act upon the same principle?—Yes.

1592. If they lent a man a sum of money to buy a boat, they would have to lend a man a sum of money to buy a plough?—Not at all; the cases are widely different.

1593. If one class of the distressed peasantry is to receive a Government loan, why should not the other?—When they apply a part of the money to their land we know very well that these men have boats; and, at times when the fisheries would not be available to them, they may employ those boats in bringing manure or seaweed to their ground. When they are men of good character, we do not object to granting small sums to help them; but, ostensibly, we never advance money excepting for the fisheries.

1594. What distinction do you draw between Government giving assistance to the amphibious animal and giving assistance to the farmer pure and simple?—I do not exactly understand what you mean by that. We are altogether guided by the applications which are made, and we get very few applications from that class of persons.

1595. What distinction do you draw in recommending that the Government should advance money to half farmers and half fishermen, but should not advance money to pure farmers; why should not a man who holds his five acres of land receive Government assistance if another man who holds less land, but who also ploughs the sea, receives Government assistance for building a boat?—The great object in advancing money for the coast fisheries is to assist a class of men who have no land whatever. It is desirable, in two points of view, to assist those people; first, in order to assist and create seamen on the coast, and, secondly, by degrees to induce the men to become fishermen, and to depend more upon fishing than upon the wretched piece of ground which they may have.

1596. Is it not an object to encourage agriculture in Ireland, and to raise the condition of the farmers in Ireland?—Yes. I may mention that where loans are granted to these fishermen, they have not a particle of ground beyond what their cabin stands on, and they are wholly dependent upon fishing. There are also many parts bordering the coast where the ground is wretched, and we assist those people; they have a small piece of ground, but they cannot be called farmers.

1597. Colonel *Vandeleur.*] You consider that all restrictions on trawling ought to be removed?—I certainly think that all present restrictions on trawling upon the coast of Ireland should be removed.

1598. Do you consider that the powers given to the Commissioners to make bye-laws ought to be repealed in every case?—I think that the existing bye-laws ought to be repealed; but, at the same time, I think that the Commissioners who are appointed to superintend the fisheries should have the power of framing bye-laws, when, from a proper inspection of the coast of Ireland, they found it necessary.

1599. Then you consider that the power still ought to exist in the Commissioners of making bye-laws?—Certainly.

1600. With regard to trawling and all kinds of fishing?—Yes. I think that the Commissioners should have the power of framing bye-laws for the protection or the advancement of those fisheries.

1601. And to settle, as they have hitherto done, the differences of interests between the different classes of fishermen?—Yes.

1602. Then you would leave the matter as it is at present, namely, that the Commissioners should exercise their own discretion in stating what classes of fishing should be pursued?—I should think that the Commissioners ought to have the power, both magisterially or otherwise, of deciding upon all licences. I believe that the proposed Act gives the power to the inspectors.

1603. From your knowledge of fishing do you consider that it would be a wise thing to repeal the section of the Act 5 & 6 Vict., prohibiting herring nets being shot in the day; you must be aware what the opinions of practical fishermen are upon that point?—I certainly would not permit herring nets to be shot in the daytime.

1604. Will

1604. Will you state why?—The reasons are simply, that if the nets are set long before sunset it may very much interfere with the shoal of fish passing along the coast; at the same time other boats fishing there, trawlers for instance, if they ran across or injured those nets, would be justified in doing so, and there ought to be some protection to that system of fishing.

1605. You are aware that the custom of prohibiting herring nets being shot in the daytime is a very old one?—Yes, I would not prevent the herring nets being shot in the day-time, in the afternoon, and so on; but if the parties do so they must run the risk of doing so.

1606. You have spoken of the risk of a shoal of herrings passing being interfered with if these nets were left out in the clear sunshine; what effect would that have?—It would perhaps alter the course of the shoal of herrings; it might not interfere very much, but it would be much better for those who are fishing for herrings not to have their nets set till the proper time in the evening.

1607. Would you repeal the 7th section of the Act 7 & 8 Vict., permitting the use of seine-nets for herrings during the day-time?—I think that it is very immaterial whether the herring nets are shot in the day or in the night, but the parties may not be so successful in their fishing if the nets are set during the day.

1608. You think it better to leave well alone?—Yes, so far as that is concerned, I do not see any objection whatever to repealing the prohibition clause; but it must be done in every way at the risk of those who fish with those nets.

1609. You said that the nets set in the daytime would frighten the fish?—That is my opinion; but I say that if any number of fishermen like to set their nets, it is their own risk and their own loss.

1610. If the shoal was turned out of the river or bay, would not it be to the injury of the public generally?—It may be so; I think that the old law as it stood is quite fair and proper, and perhaps is more advantageous in all respects.

1611. Would you recommend that the power to prevent dredging for oysters in a river, or in the neighbourhood of oyster banks which had been worked out, should be withdrawn from the Commissioners where a representation was made by different parties connected with those beds and connected with the neighbourhood, and they all agreed that the beds ought to be allowed to rest for a certain time; do you consider it advisable to take away that power from the superintending Commissioners?—I think that that comes within what I have already spoken of, viz., a power in the Commissioners to frame bye-laws, and so on. As to the particular position of a bed, or the particular prohibition necessary, if an application was made to the proprietor, I think that the Commissioners should have the power to frame bye-laws.

1612. Several questions were asked you with respect to the small trawlers, and you seemed to prefer that trawling should be confined to larger trawlers. Those trawlers can only work in deep water; 10, 15, or 20 fathoms?—Yes; I have said that all restrictions should be withdrawn from the working of trawl-boats.

1613. You would not allow small trawlers to work in less than five-fathom water?—No. If any system of fishing, whether with trawls or with shore-nets proved to be injurious to any particular locality, I would prohibit all systems, and not trawling alone within a certain line.

1614. You would leave that to the Commissioners?—Yes.

1615. You are aware that in many places soles and flounders, and flat fish of that sort, frequent shallow banks?—Yes; for instance, at the time of the investigation before Sir Richard Griffith, when there were the appeals from Dingle, I took particular pains in the matter. I went up to about two fathoms and two and-a-half fathoms of water, at Dingle, and I found that it was a spawning-place for soles, and that it was of that character, the fishing of which we were desirous of preventing; but the boundary lines, which we wished removed, extended out into deep water. No large boats could work in the places where a great number of fish spawned. I have myself collected a great quantity of spawn there, and if a great destruction took place to the fry and the fish there, I would certainly have some kind of restriction upon it.

1616. You have stated that you think that the close season for trawling (and which, I suppose, includes all systems of fishing for all fish) ought to be from June to September?—Yes, for trawling, not line fishing.

1617. I understood you to state that that is the period when most of the fish are spawning?—No. I say that it would be a protection to the fry of the fish; the fish spawn before that.

1618. I understood you to say that generally the spawning of fish was between June and September?—No; the spring months are the spawning months for the generality of fish; from December to April is the time for the spawning of all kinds of fish, excepting mackerel and herrings.

1619. Then the close season from June to September is to protect the young fish?—Yes; but it is more particularly for the encouragement of the fisheries that I would have the close season for the trawlers from June to the end of September, in order that they might turn their attention to the herring fishery and to the deep sea fishery, at a season when the trawling is not so profitable as in the spring months.

1620. You have stated that cod are in season in the summer months?—Yes; the men in the deep water would get the cod in the best condition.

1621. Are cod in the best condition in the summer months?—Yes; cod and ling, and all round fish; they leave the coast and go into 60 and 70 fathoms of water, where they can be taken in abundance.

6022. But they are not caught on the coast?—No; the boats do not go out for them.

1623. Are you aware that we have a prejudice that cod and haddock are generally better in frosty weather?—That is an error; because when you get codfish at that season, you get them full of spawn. If the salmon is out of condition in full spawning state, the codfish is equally so. All the finest fish which are taken on the banks of Newfoundland for curing in the market are taken during the summer months. They are not in condition for curing in the winter months; and although haddock are taken during January, February, and March, they are in far better condition during the summer months.

1624. Have you any return of the different fishing stations round the coast where you have advanced money?—Yes.

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1625. You can put in a Return as to the different stations where you have advanced money?—Yes.

1626. You have stated that you are the founders of the trawl fishing at Dingle?—Yes.

1627. Did not the Society of Friends advance them money there during the famine?—Not at Dingle; but they did round the western coast. I have been particularly acquainted with Dingle ever since the famine, and it was from the famine in 1846 that I exerted myself to promote the fishery, more with the object of assisting the poor fishermen than anything else; when I first went to Dingle it was not known to the fishermen that soles were abundant in Dingle Bay, and on the very first day that we went out we took 300 pairs of soles in Dingle Bay: they were most violently opposed to trawling, but they are now trawlers, and have fine boats; the boats at Dingle are all owned by Dingle men.

1628. Did you ever advance money for curing-places?—No.

1629. Are you aware that the Government advanced a sum of money for curing-places on a small scale?—I am aware that some years ago, during the distress in Ireland, they advanced about 4,600 *l.*

1630. There was one at Valentia?—Yes, and one at Roundstone in Galway Bay, and others at Killybegs and Baltinore.

1631. What has become of them?—They have been given up; the one at Valentia was worked for a short time, but it is not worked now, although an immense quantity of fish can be taken there.

1632. I suppose that an immense quantity of round fish is caught in that locality, and that a large quantity of round fish is brought in to Dingle for sale?—Yes, chiefly taken by Dingle men.

1633. Is there any difficulty in selling them there, or not?—I think not; they always get good prices; the only men who are now employed in the line fishing are the sprit boatmen, and the canoe men; the trawlers find it of advantage to work the trawl-boats, and to send the fish to the Dublin market.

1634. Is not a large quantity of fish caught off the Blasket Islands?—Yes, and that is all sold fresh.

1635. Can you state any reason why no fish has yet been cured at Dingle?—During the time when I was acting at Dingle, we had most of the men and boats in our own employment, and we had curers and coopers there; we bought the fish from the fishermen, and had them cured, and sent in our own boats, and they brought the best price in the Dublin market. But the men now sell all their fish fresh, and they do not work sufficiently, nor have they a sufficient number of proper boats for the hook-and-line fishing in deep water to bring in supplies for curing, and therefore there is no curing-place at Dingle.

1636. Colonel Tottenham asked you some questions with respect to the piers; and you stated that the present Board of Works had done very little in the way of building piers round the coast?—I cannot say to what extent they have gone, because a great many piers and improvements have been built and made; I only know where improvements would be actually necessary.

1637. Have they not built a considerable number of piers?—I do not know what works have been carried on by the Commissioners of Public Works.

1638. This Return has been handed to me; are you aware that the Commissioners have built 35 piers, and have expended upon them 90,000 *l.* since 1846?—I should like to know the character of those piers, and where they are situated; because many of them may not be useful for fishery purposes.

1639. One is at Arran Island?—There is a pier at Killaney, in Arran Island; but it is only suitable for small boats, hookers, and not for large boats, and those boats are generally employed carrying turf and limestone.

1640. There is one in Brandon Bay?—In Brandon Bay there is a wretched pier, only fit for canoes. If there was safety or proper protection in Brandon Bay, it would be of great advantage, as it is a very fine bay for fishing.

1641. There are piers at Ballycotton, and Ballyglass, and Courtown, and there is a fine pier at Dingle?—There is a very good pier at Dingle; it is a tidal pier.

1642. To make deep sea piers would require a very large expenditure of money?—Yes, I know that perfectly well; but I am now speaking of fishery piers.

1643. There are in progress, at present, piers in the county of Down, and in the county of Clare, and there are sanctioned, and about to commence, piers in the county of Cork, and certain piers in the county of Galway; and there are more before the Board which are not sanctioned?—Yes.

1644. Sir *John Gray.*] With reference to the loan system which you should propose, you say that your total capital, when you commenced, was 13,000 *l.*, consisting of two sums of 8,000 *l.* and 5,000 *l.*?—As far as I can recollect the early history of the society, it had 8,000 *l.* in hand; the London committee gave 5,000 *l.* more, and there were subscriptions afterwards, which, taking interest and subscriptions, made the sum total of 30,000 *l.*

1645. Have you any means of informing the Committee what is about the number of persons whom you relieve?—From the time when I began to take an interest in the matter, in connection with the trustees, there has been a sum of about 23,000 *l.* from time to time advanced in loans; and, calculating the number of individuals who have derived benefit from it, they have amounted to about 6,000.

1646. That 23,000 *l.* means a repetition of loans?—It is the loans which we have granted from time to time to different parties.

1647. The money during that period having been re-lent?—Yes; 23,000 *l.* has been actually lent out; of course, instalments have been paid in. As regards 15,000 *l.*, only the interest of it is available, and of 15,000 *l.* we have the principal and interest.

1648. You have been for some 10 or 15 years lending this money?—Yes.

1649. Can you state how much you have lent out in each year?—On an average, from 2,500 *l.* to 3,000 *l.*

1650. You say that the Dingle trawling has been entirely promoted by those loans?—Yes.

1651. How many boats are there there?—There are now 12 trawlers

1652. And they practically go on by means of these loans?—Yes; and the money is spent among them in promoting the fisheries.

1653. I understand

1653. I understand you to say that three years and a-half is the period for the repayment of the loans?—Yes; they are extended over three years and a-half, and sometimes we may extend them over five years, but we rarely have to do that. The instalments are payable half-yearly in May and November. If anyone in the month of June borrows 200 *l.* or 300 *l.*, the first instalment is not payable till the following May; practically, we allow one year without calling for any instalment, and after that time the repayment is spread over two years and a-half.

1654. Then, as a general rule, a party who has money from you is out of your debt in four years?—In less than four years.

1655. What is his actual condition, then, as regards his fishing-boat and gear; does he become the owner of it?—Yes; the instalments of the loans being paid up, the parties who have borrowed the money have acquired the boats and all the gear.

1656. Is it your experience that a man who borrows money from your society, for the purpose of procuring a boat and the gear, at the end of four years, on the average, has paid back the money, and has obtained the boat and everything?—Yes.

1657. What number of hands are usually employed for that class of boat?—About three men and a boy; sometimes four men. We may say four men.

1658. From your experience, you conclude that you have given permanent employment to something like 6,000 people by the operation of these loans?—Yes, to the fishermen and their families.

1659. And you have given a capital to them without any loss to your own capital?—Yes; excepting the interest of the money, which is trifling.

1660. But, practically, you have given to those persons a capital more than equivalent to the capital of your own society during that period?—Yes.

1661. And the only loss has been the loss of the interest?—Yes; we have never had a single loss as regards the capital.

1662. You have had many applicants?—Yes, we have had a great many applications from poor fishermen, whose securities we found were not satisfactory, and therefore we have been obliged to decline to lend money to them. When the coast proprietors wish to assist any of their poor tenants along the coast, if they will be security for them, we will lend them the money.

1663. The sum which you have had practically in use has been between 20,000 *l.* and 23,000 *l.*?—Yes, with the available capital, and the instalments, as they are paid in.

1664. What additional sum could you beneficially use in a similar way?—That naturally depends upon its being made public, throughout the coast of Ireland, that such and such moneys would be advanced to fishermen.

1665. From your own practical experience of the coast round Ireland, and the condition of the people, and of the boats and gear, what sum do you think could be beneficially lent, in the same manner as you have lent this sum?—That would be a difficult question to answer, because it would depend upon a sufficient statement being promulgated through the country; if that was done, you would have a great many applications.

1666. With that public knowledge, what do you think would be the probable sum which could be used in that way?—It is very difficult to state the exact sum, but I think that a considerably larger sum than we have been able to advance would be applied for. My knowledge of the fisheries of Ireland has been very much confined to certain districts, and those places I have visited myself and have practically worked. There are many places in the north of Ireland of which I know nothing at present. I do not know the state of the fisheries there at all.

1667. Could you use more money beneficially in Dingle Bay?—Decidedly; three times the amount.

1668. With regard to branding, are you aware that there is a fish-curing company at Howth?—Yes; but I do not know anything of their working.

1669. Have you seen their report, dated 1867, stating that the branding has been a benefit, and that a preference has been given to those fish which have been branded over those which have not had the benefit of branding?—No; it is very doubtful whether the branding itself would be a benefit; but if it is used on the coast of Scotland, it is only fair that it should be extended to Ireland.

1670. Mr. *Kavanagh.*] In speaking with regard to the trawling, you said that you thought that no restrictions ought to be imposed?—Certainly.

1671. And still you think that a five-fathom line would not be objectionable?—There are certain parts of the coast where, on proper inspection, it would perhaps be found necessary that a five-fathom line should be adopted.

1672. You do not think that the trawlers interfere with the line fishermen?—No; there is not that contention among them which there used to be. In Dingle Bay they all agree together.

1673. Do you think that the evidence which was given on that subject before the Royal Commissioners in 1864 was prompted by a sort of jealousy between the long-line fishermen and the trawlers?—There has generally been a jealousy between them. Along the eastern coast I have been speaking to a great many of the Skerries men, and they state that the trawlers do not annoy them now. If the trawlers carry away any lines unintentionally, they always settle for them; but I do not find the complaints made which formerly existed.

1674. One man gives evidence, that at different times he has been obliged to draw up his lines on account of trawlers, and another man says that he has been driven off the ground altogether on account of trawlers?—Evidence has been given on both sides.

1675. It strikes me as being likely that if a trawler came across a spiller-line, it would not improve it?—It is quite a matter of arrangement between them, and I do not hear those contentions among them now on the parts of the coast with which I am acquainted, which trawlers frequent, which existed formerly. Many of the Skerries men do not complain now. In Dingle Bay it has been proved that the spiller-line fishermen and the hook-line fishermen fish where the trawlers work, and there are never any complaints among them; but where they set their long lines upon rough ground, the trawlers cannot interfere with them. To prohibit trawling where long lines would be set would be unjust to the trawlers, because long lines can be set in very deep water.

1676. There is no reason for giving a monopoly to the one, more than to the other?—Exactly so.

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1677. You think it much better to leave that matter alone?—Yes. I have had communications with Sir Charles Trevelyan, and it was found that the better way was for the fishermen to settle matters between themselves.

1678. Do you think that a five-fathom line could be established with advantage for preserving the fry?—Yes. There is no difficulty whatever with regard to a five-fathom line, for the Admiralty charts show the soundings very correctly all round the coast.

1679. Do you not think that the preservation of the fry is a very important point?—Yes. A five-fathom line would completely shut out all the flats where the young fry would be. There are great flats in different places, where a large quantity of young soles and turbot are met with, but a five-fathom line would completely shut them out. The shore nets, and drag nets, and so on, would destroy the fry on shoal ground in very great quantities; the spawn is deposited in sheltered places, where the trawlers could not work.

1680. The restriction of a five-fathom line for trawls would not restrict the pole-nets, and so on?—No.

1681. Are shrimping nets destructive to fry?—In many places shrimps are taken where fry are very seldom met with; but there is very little shrimping carried on upon the coast of Ireland.

1682. Might not a shrimping-net be considered as a species of trawl?—Yes; but it perhaps would work in two fathoms of water.

1683. Supposing that a clause was inserted in the Bill which should exempt anything, the exemption of shrimping-nets would be included?—Yes, you could exempt any descriptions of net which might not be considered generally injurious, and which might be useful in fishing. I do not think that the mode of using shrimping-nets would be so dangerous as using sweep-nets.

1684. Have you ever met one of the inspectors of fisheries?—The only case was Dingle, when Sir Richard Griffith held an inquiry there.

1685. Have you found that in any of the different places there is any house or local office for the fishery inspectors to use?—No; I have only known that they have attended to hold an inquiry, but I never heard of any preparations round the coast of Ireland in that way.

1686. Do you know anything about the Fresh Water Fishery Commission?—I know those who are connected with it.

1687. Do you not think that the two Boards might be advantageously amalgamated?—I do.

1688. With regard to the boat-owners, you say that you do not think that agreements between the owners and the boatmen would be advantageous?—I think that there would be a difficulty in carrying out the principle.

1689. Do not you think that if it could be carried out, it would be a good one?—It would rest with the parties afterwards, if they chose to enter into that agreement, and if they did make certain agreements perhaps it would be better to have such a binding principle. I think that if it could be arranged it would be useful.

1690. You have said that you were connected with some fishery at Dingle?—Yes.

1691. And I understood you to state that you exported a quantity of ling to London?—We have sold all our ling in Dublin.

1692. About how many tons did you sell in one season?—We have not sold more than probably 20 tons.

1693. Didyou find it pay as a mercantile transaction?—Amazingly; there were great profits, and the profits now are amazingly large.

1694. Are you not of opinion that if the fisheries on the coast of Ireland were properly fished, more fish could be exported?—Yes; and therefore I think that if there was more capital, and if there were special curing establishments, it would be advantageous.

1695. I suppose that you would be enabled to export, if you were enabled to take the fish?—Yes.

1696. Mr. *Cooper.*] I think you have stated that you object to agriculture and fishing being combined?—Yes.

1697. Have you read Mr. Barry's last report?—No.

1698. He there asks, "Whoever knew Irish fishermen, exclusively fishermen, provident"?—I cannot exactly understand that.

1699. You would say no to that?—Certainly.

1700. You know that they are provident?—Certainly.

1701. He says, "I have seldom seen an Irishman, exclusively a fisherman, prosperous for two seasons without the bit of land to occupy him in boisterous weather, and to give his family a more certain prospect of food"?—That is not the case.

1702. Then he gives an illustratio; he says, "Numerous illustrations of this theory may be found in Ireland, but nowhere more remarkable than in the once prosperous Dungarvan, which, as a fishing town, may be said to be extinct;" and he contrasts a place where the fisherman hold land, with Dungarvan, where they do not hold land?—In 1856, Mr. Barry says, "The general growth of prosperity in the agricultural districts, and the increasing demand for farm labourers, at remunerative wages, easily accounts for the indisposition which prevails even upon the most favourable parts of the coast, to continue an uncertain pursuit, which, to the class of half fishermen, yielded but a precarious livelihood in the best of times; so that in a very short time we may expect to see a fishery only from some of the important towns upon the coast, and even there upon a very reduced scale."

1703. In 1856, he rather reports against them?—Yes. In 1855, he speaks still stronger against combining the two.

1704. From your knowledge of the western coast, do you think that fishing can form the sole occupation of any of the men?—Decidedly, in Dingle, Killibegs, and Galway; wherever there is proper encouragement for the fishery, it will be sufficiently remunerative to employ exclusively a very large number of men.

1705. Could boats be fitted out to follow the fishery?—Only by having a large and good class of boats.

1706. Would not it entail a long absence from home?—No, not off that coast; you can fish at all times of the year not many miles from the coast. There is Innisbofin close to the coast, where an immense fishery could be carried on throughout the season. Of course, a different system would have to be carried out, for they have no curing-houses and nothing to encourage them.

1707. I presume that the effect of fitting out large boats with good tackle and gear would be to reduce the number of men employed in pursuits of fishing?—Certainly not; because, although only four men might be employed with

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a large boat in trawling, the same number of boats would employ a great number of men in line fishing.

1708. It would reduce the number of boats; the smaller boats would disappear?—There are more men employed in the smaller boats than in the larger boats.

1709. Consequently, in the larger boats fewer men would be employed?—Yes, but there are few of those small boats which can work on the coast

1710. You require fewer men to work the large boats?—Yes, only with regard to trawling.

1711. If that is the case, a falling off in the number of men on the coast is no proof that the fisheries are declining?—Certainly not.

1712. I suppose that if these companies were established, and if more capital was embarked in the business, we might expect to find still fewer boats employed?—I do not say that, because I think that the boats have very much increased. On the eastern coast, where there were only a few boats some time ago, they have become very extensive.

1713. But on another part of the coast they make a large show in numbers, but they are not very efficient in fishing?—Yes.

1714. How many men does a 50-ton trawler employ?—Three men and a boy, or four men, and they have winches and capstans, and everything to facilitate easy working.

1715. I suppose that a shore boat would require nearly as many men as that?—Yes, and more.

1716. I mean one of the long-line fishing boats?—Yes, she would require more men; they have appliances, and means of working those large trawl-boats, by which they require fewer men.

1717. Do you not expect fewer men to be required for the fisheries than formerly?—No; because the deep-sea fishery carried on properly would require a great many men.

1718. With regard to haddock in Dublin, have they not almost entirely disappeared?—That is a question which involves a good deal of the knowledge and the science of the subject. I may adduce an instance. The haddock must be considered a deep-water fish, and those fish frequently move from different parts upon the coast, but they are still off the coast. On the eastern coast the large boats are mostly employed in the herring fishery, or in going from one part of the coast to another at different periods of the year, and in the cod fishing; and they do not follow the long-line fishing as they used to do formerly.

1719. The fish are there, but they are not caught?—Yes; there are plenty of fish upon the coast. I can give you an instance of it: in Dingle Bay the haddock at one time were taken in such quantities that the canoes and the boats in bay were loaded with them, and in the next season they were not to be met with; it was after the trawling had been introduced. I was determined to know the reason of it, and I said to the fishermen that they should try for them in deep water. Two owners went off with their boats, and in two days they caught an immense quantity of fish.

1720. And you think that the same thing occurs on the eastern coast?—Yes. This last season, or the year before, they thought that the haddock were returning to the coast again; it was because the boats went further out for them, and took them.

1721. These fish change their habits?—They change their feeding grounds; they go out perhaps to a more distant bank, but they have not left the coast: they are still as plentiful off the coast, and that would be found to be the case if the boats went properly for them. I may mention that in one case the parties who got a loan for the fisheries were fearful of losing their men by not giving them employment when the herring season was over, and they spoke to me about it, and I said, "You had better employ your boats in line fishing." They sent out their boats, and from a different bank they brought in such a quantity of codfish that in one day they realised by one boat 15 *l.* and 17 *l.* by the other.

1722. You said that on one part of the coast the harbours gave shelter to boats of 40 or 50 tons?—Yes.

1723. Are you aware that this Bill limits a loan to 1,500 *l.*?—I am not.

1724. But 1,500 *l.* would construct a very trifling pier?—Yes; my idea is to have the piers and harbours improved and lengthened on some particular part of the coast, where large boats could work. At Skerries Harbour, if a breakwater was thrown out it would give great protection. The pier at Skerries is useless; there is only 15 feet of water at high tide, and the boats can only work it for three parts of the tide, and they often cannot run for it in a heavy gale of wind. I point out Skerries as one of the most important positions in which a large outlay should be made.

1725. Do you consider fishing a profitable occupation?—Certainly.

1726. And that there is a great demand for fish?—There is a great demand for an increased supply.

1727. There is a great inland demand?—Yes.

1728. Are you aware that the price of fish has risen of late years?—Very considerably.

1729. Then why cannot fishermen who have not good boats replace those boats?—They cannot obtain the means.

1730. You are aware, I suppose, that farmers replace horses and things which are worn out?—That is very different.

1731. You think that a fisherman never can make sufficient money to do so without a loan or extra assistance?—That is what is constantly required for a fisherman on the coast. If he is well started there is no difficulty in keeping it up.

1732. But if he is badly started, ought not the boat to make sufficient money to replace it?—That depends upon the part of the coast. It is a thing which must be decided by proper judgment, and there must be proper persons to manage the fisheries.

1733. Are you aware that in some places they grow flax, and make their own nets?—Yes.

1734. That they make them in the winter time?—They chiefly use cotton for the nets.

1735. Do you think that the fishermen, as a class, are improvident?—I do not think that they are, from my experience of them; sometimes they certainly are.

1736. Colonel Vandeleur asked you some questions with regard to setting herring nets in the day-time. If nets were set in the day-time in estuaries which are frequented by salmon, do you think that they would prevent salmon entering?—It is not right to set them across the estuary.

1737. You do not take salmon in a herring net?—No.

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1738. But at the same time, if the herring nets were in the water, do you think that they might scare the fish; the salmon would not see them in the night?—Salmon run to an immense distance in the night time.

1739. Salmon swim pretty high, do they not?—When running up for the fresh water.

1740. They always keep the middle of the water?—Yes; but not in very deep water.

1741. But still, do you think that the cords, and so on, would interfere with the salmon fishery?—I do not think that they would. In estuaries and in narrow places of that kind they would not set herring nets. I have known different parts of Kenmare Bay where they have set them, but it is not in such narrow places that it would much interfere.

1742. Have you ever known instances of vessels being all ready fitted, and remaining idle for want of crews?—I do not think that there are any cases of boats being idle for the want of crews.

1743. Did you, yesterday, hear Sir James Dombrain mention a strike among some of the herring fishermen of Howth last year?—There was a strike, owing to some regulation which, perhaps, was not suitable to them; but I did not hear what Sir James Dombrain said.

1744. Has the lobster fishery on the coast at all declined?—In some parts of the coast the lobster fishery is as profitable as ever, and as extensive as ever.

1745. The price has greatly increased?—In many parts of the coast of Ireland they have markets for the supply of lobsters, and I do not think that the supply has decreased; lobsters change their localities.

1746. Sir *Henry Winston Barron.*] You seemed in a part of your evidence to incline to the taking away of all restrictions upon trawling?—Yes.

1747. And if I did not misunderstand you, in an other part of your evidence you seemed to say that trawling within a five-fathom depth would be highly detrimental to the young fry?—I say that all the existing restrictions upon trawling should be repealed; but that if afterwards, on investigation, there were found to be parts of the coast where it might be injurious or destructive to the young fry, a five-fathom line might be drawn to protect those places.

1748. Is not it your opinion that trawling within a five-fathom line is injurious to the young and immature fish?—I think that small descriptions of trawl-boats working in shoal water within five fathoms might at certain seasons of the year be objectionable.

1749. Captain Brabazon, in his evidence before the Royal Commission, was asked whether the small fish were alive which were taken by the trawls, and he said, "No, they were generally dead when they were shot out, or nearly so; when they were shot overboard, the sea for, I suppose, 40 or 50 yards, was strewn all over with this small dead fry;" from your general experience, would you think that that was an overcharged picture?—I should think so, and I think that the system of trawling, and the kind of boat in which those fry were seen should have been explained.

1750. You think that it is just possible that if that evidence alluded to the trawling close to the shore within the five-fathom line, it might be true?—Yes; in the report of 1836 you will find the statement that in Cork Harbour in shoal water, persons had seen a great quantity of fry destroyed.

1751. In another part of your evidence you stated that it was a very light line which remained at the bottom, and that it could scarcely disturb the spawn?—It must be a line of sufficient weight to keep the net upon the ground; but it is not of that weight which would tear up the ground in a manner so as to injure it; it goes slipping over the ground.

1752. Captain Brabazon says, in contradistinction to that, "The net drawn along the bottom of the sea is pretty heavy in itself, but in order to save it they attach aprons to it, and make it twice as heavy again;" are you aware of that?—No; and I do not think that the regular "trawl-boats do it, because it is not legal.

1753. He goes on to say, "The sand being volatile these nets harrow into it, and they tear up the spawn, and crush it so much, that it never can come to maturity"?—These foot-ropes which are attached to the nets are only of sufficient weight to keep them along the bottom.

1754. He says that aprons are attached to the net?—I do not think that there is anything of that kind, but of course I cannot say.

1755. He says that the trawlers employ fewer men than other boats, and he says, "They also destroy much more fish than they can bring into the market"?—There was, some few years ago, a representation upon the subject, and the consequence was that a report was obliged to be obtained from the different trawling stations; and I was very particular as to Dingle Bay and Galway Bay; and I saw a great number of the trawlers, and a very small quantity of fry was taken in the trawls. I believe that that is borne out in one of the reports of Mr. Barry. In fact, a small portion of refuse fry would not pay any person to purchase it.

1756. I suppose that he alludes to growing fry?—I have worked Kenmare and Dingle Bay, and Galway Bay, and I never saw any fry taken up except the small dabs, or those sort of fish which never grow to any size, and I have given an account of the different kinds of fish taken. They take a quantity of small soles, known as the little or red sole; they never grow larger.

1757. Allusion has been made to the Board of Works having permitted small trawlers in the Port of Waterford, and having prohibited large trawlers from coming within the same depth of water; are there more cases than that of Waterford, to your knowledge?—I do not know of any other; but the Commissioners of Fisheries have exercised that power upon the principle of assisting the fishermen; and I suppose that they have found some grounds for these small trawl-boats trawling in Waterford. In Dundalk Bay they wished to have a regulation prohibiting small trawl-boats working there unrestricted. The Board of Works seemed inclined to make that regulation, but stated that if they did so large trawl-boats should be allowed in any part of the bay.

1758. Are you aware of their having laid down the principle to which I allude in any other part of Ireland, except in Waterford?—Only in Waterford.

1759. The Report of the Commissioners stated that the reason why they had laid it down there was, not upon any principle of justice, but because there were disputes between the two parties, and they came to a compromise?—Yes.

1760. Have

1760. Have you any knowledge of the fishery at Dungarvan, in the south of Ireland?—No.

1761. You have spoken with regard to making large harbours of certain dimensions as being most beneficial to the fisheries?—Yes; that is only at certain points.

1762. But I suppose that you do not mean to exclude the construction of simple piers in other localities which are not adapted for making large harbours, and where there are a certain number of small craft?—There are many places on the southern coast and on the western coast of Ireland where there are small hookers and small boats, and where there is a very favourable fishing season at times, and there is no protection for that class of boats.

1763. You do not mean to exclude that portion of the fishery interest from having small piers for protecting their little craft?—Certainly not; that is important.

1764. Do you not think that that would be an additional inducement to the poorer class of fishermen to embark in the occupation?—No doubt it would. I consider that it would be very practicable and advisable.

1765. Therefore, you are in favour of having large harbours in certain districts which are applicable to them, and of having small piers in other districts?—It is in very few positions that I would construct the large harbours, that is to say, only where they could be used generally, where boats could work in and out at all times of the tide. A tidal harbour, at times, is dangerous.

1766. *Chairman.*] From your extensive knowledge of the fishermen of Ireland, what should you say is the general character; are they peaceable and well conducted?—I think that, generally speaking, with regard to the coast fishermen of Ireland, they are the most orderly and the best conducted of any class of people. I think that they are exceedingly orderly and very quiet men, and that when they are encouraged they are industrious and respectable.

1767. Is it just to say of the Irish fishermen, that the fisheries have not been carried on so well as they ought to have been in consequence of their fighting with each other?—There is only one place where that has been the case, namely in Galway Bay, with the Claddagh men.

1768. Colonel *Vandeleur.*] What description of fishing do you find can be prosecuted by boats going out to fish in 70 and 80 fathoms of water?—Those are boats of 40 or 50 tons and more; in that depth of water they can take an immense quantity of ling, and haddock, and cod.

1769. With hand-lines?—With hand-lines and long-lines; they set long-lines in 60 and 80 fathoms of water; there is an immense quantity of fish. Allusion has been made to the River Shannon, of course that is a place which we would not regard as a regular fishing station, but there are banks there where there are an immense number of turbot, and other valuable fish.

1770. How far from the land?—Not more than six or eight miles from the land.

1771. What description of boats would you recommend to work there?—Boats of 50 tons; there are fishing grounds off the Blasket Islands, and the quantity of fish which has been taken would scarcely be credited. In the letter which I handed in yesterday the writers say that from the trial which has been made, and from the quantity of fish, they are desirous that I should go there again.

1772. They can merely work boats of a large size there?—Boats of 40, or 50, or 60 tons. I have tried it frequently; the farther from the land, the less the danger.

1773. Mr. *Bonham-Carter.*] I understood you to say that the refuse fish which was brought up by trawls was very small in quantity, and very poor in quality?—Yes, small in proportion to the marketable fish.

1774. With regard to the effect of the trawl upon the bottom, I think it has been said that a good deal of spawn is washed up and spoilt; have you ever seen that?—We had trials in Dingle Bay, and in Galway Bay, and in other places, to satisfy the fishermen, and they saw that in trawling over all parts of the bay, even in seasons when the fish were spawning, there was no spawn met with on the grounds where the trawls worked; and I do not suppose that you could bring the most experienced trawler to say that it was brought up.

1775. Sir *John Gray.*] You have stated that in about four years the parties to whom you have made the advances have repaid the money?—Yes; some of them have repaid it within four years; the average is four years.

1776. They have paid back practically 25 per cent. each year?—Yes.

1777. You charge no interest?—None whatever.

1778. Supposing that the Government were disposed to extend the means of making such loans, but were not disposed to make them except at interest, and that the loans were extended over five or six years, could not those people afford to pay 3 per cent., and repay the money in five or six years?—I suppose that it would be a very fair principle, and it was suggested to the trustees to charge a small rate of interest; but the rules of our society was that the loans should be advanced without interest.

1779. You think that the profits are such that the men could pay a small interest with advantage to themselves, and could repay the money in five or six years?—Yes.

Tuesday, 18*th June* 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. Cooper.
Lord Dunkellin.
General Dunne.
Lord Claud John Hamilton.
Mr. Ion Hamilton.
Mr. Herbert.
Mr. Kavanagh.
Mr. Shaw-Lefevre.
Mr. Malcolm.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

Captain WALLOP BRABAZON, called in; and Examined.

Captain *W. Brabazon.*
18 June 1867.

1780. *Chairman*] YOU have devoted your attention to the subject of the Sea Coast Fisheries of Ireland?—I have.

1781. You are also the author of a work which was published some years ago upon the Sea Coast Fisheries, describing the modes of fishing, and containing other information?—Yes.

1782. You are summoned here to day in consequence of a desire which you expressed, to make some statements with regard to trawling?—Yes.

1783. The Committee will be happy to hear anything which you have to say upon that subject?—In my experience, the chief fisheries of Ireland in old times were carried on by the long-line fishermen, and after the bounties were withdrawn, they turned their boats to trawling; and in the course of some years the fish became so scarce that they did not make sufficient money to pay for the repair of their boats, or to keep them in order, and consequently they gave it up, and the fisheries then collapsed, and they went into the state of decay into which they are at present.

1784. Do you mean that the long-line fishermen went to decay, or the fisheries generally?—The fisheries generally; the fisheries became scarce, the ground got over-trawled, and the fish were exhausted.

1785. In what part of the coast did that take place?—On the eastern coast of Ireland generally, from Kingstown to St. John's Point, which, I should say, was what my experience chiefly rested on.

1786. Has the capture of fish decreased upon that part of the coast?—Very much; in old times a trawler boat in one day used to catch very nearly as much fish as she does now in three or four days; that applies to the trawl boats of Clogher Head; there were eight or nine of them there. I used to see the fish laid out on the banks for sale.

1787. When you speak of the decay in the fisheries, your observations are mainly directed to the eastern coast?—Yes.

1788. And in your opinion they have gone down there?—Yes.

1789. In consequence of trawling?—Yes.

1790. Do you know the returns of fish from the eastern coast at present?—I have an idea from reading the reports of the inspecting commanders at the different stations. The only trawling station, I think, upon the eastern coast now is Ringsend, where the Dublin boats are.

1791. Do not they trawl extensively upon the trawling ground on the eastern coast?—Yes, they have trawled the outer grounds. The whole Irish sea is trawling ground, although the Royal Commissioners have put down very small patches as trawling ground, as if it was of a very limited extent; but the trawlers have trawled across the whole Irish sea until they got out of their depth of water. The deepest part is about 80 fathoms, and they do not go into that.

1792. Do you consider that the effect of trawling upon the eastern coast has been to scare away the fish?—I think that those beds on which the fish were caught were great feeding beds, and were full of animalculæ, and of fish of various kinds. There was a large fishery of crayfish, which was peculiar to those sand beds; there was the razor fish; and there was the soft crab, which they got there; and there were a variety of other things which were the food of the fish, and the fish assembled there for their feeding grounds. Those feeding grounds were rooted up by the heavy trawls; the food was exterminated. On the outer grounds there were very few such fish; the feeding was exterminated, and the fish left them: the fish then came more inshore to the grounds, where they were still getting food; and, according to their natural instinct, they came there to spawn. In the evidence given before the Royal Commissioners, one person states that he considers that the ground is turned up by a trawl in the same way as earth would be turned up by a plough, and that fish are turned up which are the food which induces fish to go there. Of course it must, in a little time, destroy the spawn and spat, and those animalculæ which are the food of the fish, and leave the ground utterly barren.

1793. What is the state of the fisheries upon the eastern coast; taking the whole capture, inclusive of the fish captured by trawlers, has there been a decrease of fish captured; from all sources of capture has the supply to the markets decreased or increased upon the eastern coast, during the last dozen years?—The herrings, of course, have exceedingly increased within

within a few years, but I consider that the other fish have all decreased very much.

1794. Has there not been a very great increase in the number of trawlers upon the eastern coast?—No; I have not read the returns.

1795. Within 20 years has there not been a great increase in the number of trawlers upon the eastern coast?—I am sure that there has not. I do not think that there are half the number of fish now taken in the trawlers of Skerries, Balbriggan, and Clogher Head which used to be taken. I think that the Dublin Bay trawlers have increased.

1796. Has the amount of fish captured by the trawlers decreased upon the eastern coast within the last few years?—From my own information it has decreased.

1797. Do you consider that it has had the effect of scaring away the fish?—It might scare herrings, which are easily frightened; the shot of a gun, and various other things, have been known to send herrings away; but I do not think that the other fish are scared.

1798. As a matter of fact, has not the increase in the capture of herrings been very great upon the eastern coast within the last few years?—It has been very great; the means of capture have been increased immensely of late years.

1799. The actual capture has also been very great?—The actual capture has of course been also very much increased.

1800. So far as herrings are concerned, trawling has not had the effect of decreasing them?—I do not think that the trawlers have worked upon the grounds where the herrings spawn.

1801. Do not they work a great deal across the line of the shoals?—They may work through the shoals, but I think that the herrings have spawned closer in shore than the trawlers have worked.

1802. But so far as scaring goes, the trawlers have not scared them away?—They have kept clear of the herrings: they are prohibited from fishing near the herring fleet, but the owners of the herring fleet state that if the trawlers were amongst them they would scare the herrings away. At the same time, to a very great extent the trawlers now leave the trawling ground, and go into the herring fleet.

1803. Do you know Messrs. Good, of Dublin?—I know them very well by repute.

1804. Are not they the largest trawlers in Ireland?—I could not answer the question. I fancy that they have a very large fleet of fishing trawls.

1805. With the exception of one boat engaged in the herring fishery, do they not confine themselves to trawling?—I cannot say; but there is a Mr. Crosby, the owner of some trawlers and some herring boats, and as soon as the herring fishery commences his men engaged in trawling wish to be engaged upon the herring fishery, and he permits them to be so.

1806. Do not the firm of Messrs. Good confine themselves to the eastern coast which the herrings frequent?—I have heard so. I live near Kingstown, and I have seen a large fishing fleet belonging to Mr. Good come in, but I do not know his private arrangements.

1807. I am not speaking of his private arrangements, but of his fishing operations. Are not his fishing operations in the very middle of where the largest shoals of herrings are?—I do not think that they are. He must cross the herring shoal continually in 15 or 20-fathom water; but very little trawling is carried on; I think in the summer time the wind does not suit; there is too little wind in the summer time for trawling, and therefore I think that any person engaged in the fisheries as Mr. Good is, would be very likely to send his men into his herring boats if he had any.

1808. In fact, he has no herring boats?—That may be so.

1809. In your evidence before the Royal Commission, I think you stated that you were not opposed to trawling in the deep sea outside the bays and estuaries?—Not at all; I think that the 10-fathom line should be the limit, because the 10-fathom line begins at Kingstown at the Muglins Rocks, and it extends to the point of Howth, and then to the point of Lawbay, and from the point of Lawbay to the Skerries Islands, from the Skerries Islands to Clogher Head, and from Clogher Head to St. John's Point.

1810. I have your evidence before the Royal Commission as supplied by yourself, and I think that in it you state that you have no objection to trawling outside bays and estuaries?—I have none; if you look at the Admiralty Chart, you will see that the 10-fathom line lies inside.

1811. You said nothing about the 10-fathom line in your evidence?—No.

1812. Have you altered your opinion upon the subject since you gave your evidence before the Royal Commissioners?—No; for the 10-fathom line just includes the bays and estuaries from headland to headland.

1813. You are a practical trawler yourself, are you not?—I have been; I have not trawled for some years, but I have had a trawler of my own, and have often been on board of her.

1814. What was the size of your boat?—Thirty-seven tons register.

1815. Would she draw about six or seven feet of water?—She was a very sharp boat, and she drew about 8½ feet.

1816. She would not trawl in less than 2½ fathoms of water?—About 2½ or 3 fathoms was the shoalest water that it would do to go into; I have never trawled in that water, but she could trawl in that water.

1817. In what depth of water did you trawl?—Off Clogher Head, from 10 to 15 and 20-fathom water.

1818. That is the trawling which you approve of?—Yes; I have seen the same in the Skerries; I have seen a large boat of 50 tons go outside Howth Harbour.

1819. You have stated in your evidence that you have been a practical trawler yourself; I want to know the result of your own operations; in what depth of water within a 10-fathom line have you trawled?—I should fancy that outside Clogher Harbour, within half a mile or so, I have run from six fathoms out into 10 and 12 fathoms.

1820. Have you ever trawled in less than six-fathom water?—No.

1821. Have you ever taken up spawn?—I was not trawling at the season when the fish were heavy in spawn, and I do not think that one trawler would much displace spawn if it was a much lighter trawler than the trawls now used.

1822. You have stated in your evidence that you have carried on trawling operations, having been the owner of a trawl boat; and I want to ascertain what you practically know upon the subject;

Captain *W. Brabazon.*

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subject; one of your statements is that trawling disturbs the spawn; in your own practical operations have you ever taken up spawn?—I could not say that I have ever taken up spawn, for the simple reason that I think that the spawn is very likely to wash through the meshes of the net, though it might be disturbed, and I did not find it in the net.

1823. Therefore, in your trawling operations, you have never done any harm to the spawn?—Never, except that I have taken up heavy spawning fish, and have seen the spawn squeezed out of them by the pressure of other fish.

1824. In the whole course of your operations as a practical trawler, you have never taken up spawn?—I have never taken up spawn.

1825. As a practical fisherman, have you ever been on board any other boat which took up spawn?—I have been on board other boats as they came in to land their fish, but I never saw their trawl nets come out of the water.

1826. Did you ever see spawn on deck?—No.

1827. If those boats took up spawn in the net, is it not quite certain that some of it would come in on the deck?—When I went on board of them, their fish had been arranged in different hampers as to size and so on, and there was a quantity of stuff which had just been shovelled overboard, chiefly consisting of small fish and other things which they bring up in the trawls, and it covered a large space; it was thrown overboard as useless.

1828. It was thrown overboard before you saw it?—It was thrown overboard just as I saw it; they had just shovelled it over and it was clear.

1829. Can you state positively what it was?—I can only state that it was small fish; I did not examine it to see whether it was spawn or not; it was in the water when I saw it.

1830. You do not know whether it was spawn or not?—No.

1831. Is not a good deal of stuff brought up in that way, not the spawn of useful fish, but the spawn of scuttle fish and of jelly fish, and seaweed very much resembling spawn, and commonly known by the name of "Deadman's fingers," and other names; does not that often occur?—Of course it does; the trawl carries an immense quantity of debris which it raises up, consisting of all that you have said; and of course if it roots it up it cannot avoid rooting up the spawn along with it; it clears the banks of everything.

1832. But is there not a substance which is very often supposed by fishermen to be spawn, but which is not?—I think that a practical fisherman knows what spawn is as well as possible; he knows the spawn of the herring, and he sees the spawn of the turbot and of the cod.

1833. You are an author on the subject of the deep sea fisheries, and a practical fisherman; and you were the owner of a trawler, and I must at present confine you to your own knowledge on the point; you complain of the injury done to spawn by boats trawling within estuaries and bays?—I do.

1834. To your own knowledge, what injury has ever been done in that way?—My knowledge is that the trawl cuts into the ground and roots up the ground and disturbs it, and of course if the spawn is there it must go. That is a disputed point, but I am certain that it is there.

1835. How do you know that it is there; how do you know that it is upon the flat sandy ground upon which alone trawlers can trawl?—In 1865, I wrote a letter to the "Irish Times," drawing the attention of the Board of Works to the fact, that there was a shoal of herrings spawning inside the West Pier of Kingstown, and that the fishermen were then fishing there. They took the herrings off the ground with the spawn bag broken from them; spent fish which had not spawned more than a few minutes.

1836. They captured spent herrings?—Herrings in the act of spawning.

1837. Was there any proof that they had taken up the spawn itself?—The drift-net which they used had no lead to it; it was a drift-net, and it would drift over the spawn without disturbing the spawn.

1838. Is it not a fact that fish usually spawn upon shallow rocky places, and upon ground where the ova can adhere?—My opinion is, that the fish work their way into the sand and deposit their spawn there; if they left it upon rough ground where it merely adhered to rocks and other things, it would be devoured by other fish, as there is no such food for fish as spawn is. I have seen accounts of the spawn having been two or three feet in thickness where it has drifted into the sheltered spots; but that could not be the case because the dogfish and other fish would eat it.

1839. We will take the valuable fish, such as cod, ling, plaice, gurnet, and so on. Where, according to your knowledge on the subject, does that description of fish deposit its spawn; does it deposit it upon sand?—There is a bay north of Clogher Head, and I have known a line fisherman there to kill a heavy spawning cod in five or six-fathom water; but I think that the cod and ling and hake, and so on, spawn in ground off the coast, rougher ground than inshore. There was a ground known as the Ridge of the Furrow Banks which was a rough shell sand, formed into that shape from the heavy tide which passed over it.

1840. That was in deep water?—Yes; 15 or 20 fathoms.

1841. But that is the depth; that is what you do not object to for trawling. Do those valuable fish, namely, cod, ling, plaice, soles, haddock, gurnet, and dorey, spawn in the bays and the estuaries?—The plaice and the turbot, I think, spawn in the shoal water, for on bathing and fishing in shoal water I have repeatedly disturbed them on the sand.

1842. Do not they usually spawn upon ground which will hold the ova, such as rocks and stones, and pebble?—I think not. I do not think that the spawn could be safe there. I think that it would be destroyed by vermin fish.

1843. Where do they spawn?—I consider that the salmon gives you a pretty good example of all spawning fish; she spawns and deposits her ova and covers it, and then the male fish goes over it and impregnates it, and then it remains there until it is duly hatched.

1844. It is essential to the salmon that it should spawn in shallow fresh water; but that is not the habit of the sea fish. Will you undertake to say that the valuable fish which I speak of spawn in flat sandy ground?—I will not undertake to say that, because I have not seen it.

1845. Is it not the generally received opinion that they spawn on a rough bottom?—No; the opinion of all fishermen is, that they spawn on sandy ground outside the breakers at low water.

1846. I now

1846. I now speak of estuaries and bays. Where in estuaries and bays do the fish which I speak of spawn?—I think that all fish spawn outside the breakers in a depth of water not disturbed by a general gale of wind, for if they were to spawn in the shoal water, the broken water would lift their spawn and send it on shore, where it would be eaten by a thousand different enemies.

1847. Have you made any practical or scientifie examination of the fact, or is it conjecture on your part?—It is from my own observation.

1848. Have you ever taken up the spawn from those places?—I have seen the spawn repeatedly washed on shore.

1849. Have you ever, on a flat sandy ground, ascertained whether the spawn of valuable fish is deposited there?—I will speak of the herring. Years ago, riding along in the spring of the year, I used to see a number of hake, which ran on shore on the sandy ground off the shore of Turfechin. I spoke to the fishermen who were digging for bait at the time, and I asked them whether those fish were spawning there; they said no, and that they made a rush in on account of the herring fry. I then saw that the herring fry were in very considerable quantities in shoal water, and I saw that the herring fry came out of those hake; that they had gorged themselves with them.

1850. Will you undertake to say that the fish which I have named, spawn upon the flat sand where trawlers could work, and not in the sheltered places, and amongst the rocky and rough ground?—I will not; that is to say, as far as cod, and ling, and hake, and those fish are concerned, for I have no data to go upon.

1851. You cannot give a positive opinion as to where the fish, except herrings, spawn; you will not undertake to say from your own knowledge, or from any inquiry or scientific experience which you have known, where the other fish spawn?—I will not.

1852. Then the whole matter with regard to where those fish spawn is pure speculation on your part?—It is not; for I have heard from the fishermen.

1853. I would rather that you would give me your practical experience on the subject?—I have not trawled upon the ground on which haddock and cod were spawning, but it has been trawled on, and haddock and cod have been taken off those grounds by trawlers at the time when they were heavy; they go to the bottom to spawn; they spawn upon ground which a trawler can work over, the fishermen know the season when they come there to spawn, and at those seasons they have caught the fish in immense quantities; they have caught them in the act of spawning.

1854. But not the spawn itself?—I do not know that they have taken the spawn.

1855. Have you ever seen the spawn taken up in shallow water, where you want to prohibit trawling?—I have seen siene nets.

1856. Have you ever in the bays and estuaries seen spawn taken up by a trawl net?—I have never seen any substance taken up which I considered spawn.

1857. Under those circumstances, from the fact which you have just mentioned, is there not very good *primâ facie* reason to suppose that trawlers do not work upon the ground where fish spawn?—I have not seen them work in that ground. I think that in the outer grounds the fish do not spawn, except the heavy fish, the cod and ling; I am sure that the turbot and plaice both spawn in shoal ground; I think that the sole spawns in rather deeper water than either of them.

1858. But you are not prepared to prove that their spawn was ever taken up, or disturbed?—I am not.

1859. You know that there is a prohibition of trawling in almost every bay and estuary in Ireland where it could be well carried on?—I do.

1860. Do you know Dundalk Bay?—I do.

1861. The prohibition has been in force some time?—It has.

1862. Has the condition of the Dundalk hand-line fishermen improved in consequence?—The Dundalk fishermen has looked upon the fisheries of their bays as their means of livelihood, and they will not overfish them, but they are always certain of a sufficient supply of fish to Dundalk, and to the gentry of the whole neighbourhood. The local market is entirely depended upon by those fishermen for their daily bread.

1863. Has the condition of the Dundalk Bay fishermen improved within the last few years; has there been an increase of boats or of men, or an increase of capture by reason of the prohibition on trawling?—They will not increase themselves, they consider that when they can make their fair day's labour they will not over-fish the bay.

1864. Has the capture by the men engaged in that fishery increased; we have evidence as to the fact?—Of course you have the most correct evidence. I think that they have been able to supply the demand, and to obtain good wages from their capture of fish. I think that the boats on the different parts of the coast of Ireland are perfectly adapted to the locality.

1865. In the Dundalk Fisheries, has the capture of fish increased by reason of the prohibition, and has the condition of the hook-line fishermen, who now have it nearly all to themselves, been improved by reason of that prohibition?—There has been an increase as far as the demand has gone; they supply the demand, and I do not think that they have any object beyond that. I consider that they are all comfortable and well to do. At the same time, they state that if trawling was allowed, 1,100 of them would have to go into the poorhouse; they stated that in the inquiry held by Mr. Barry at Dundalk.

1866. You know the town of Dundalk?—I do.

1867. And you state that the prohibition upon trawling there has been satisfactory to the people, and that the amount of fish captured is quite sufficient for the supply of the neighbourhood and of the markets?—Yes; I state that.

1868. Are you aware that in April 1862 there was a very extensively signed memorial to the Commissioners of the Board of Works from the chairman of the Dundalk Harbour Commissioners, the chairman of the Town Commissioners, and the leading town councillors, the Poor-law guardians, and others connected with Dundalk and the neighbourhood, earnestly praying that the prohibition upon trawling in Dundalk Harbour might be removed?—I remember that memorial being sent into the Board of Works, and their holding an inquiry upon the subject.

1869. Was not a very strong feeling expressed by the inhabitants of the town of Dundalk and the

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the neighbourhood in favour of the removal of that prohibition?—There was a strong feeling expressed by them, but when they were made aware that the bay would be opened to the fishermen of the whole coast, the Dublin Bay trawlers and others included, they changed their opinion. I told them that if the bay was opened they would have the Dublin Bay trawlers there, who would clear the bay of all their fish, and that the Dundalk fishermen would most likely be in the poorhouse. They said that they would limit the trawling to two vessels belonging to Dundalk.

1870. Who said that?—The petitioners. Mr. Barry told them that if it was opened at all, it must be opened to the world; and as soon as they heard that, their feeling was against opening the bay; 400 or 500 men appeared in the court house, and were in a state of great excitement; they said that if the bay was opened and the fish carried off by the trawlers, they must go into the poorhouse, and their families would be left starving.

1871. Then it was only because the bay would be thrown open to other trawlers, that they objected to the removal of the prohibition?—I think so.

1872. Do you know the Bay of Dublin?—Yes.

1873. There is a prohibition of trawling there within the limits of the bay?—Yes.

1874. Has not the condition of the Dublin hook fishermen, become very much worse within some years past?—It has not; they are generally being employed in yachts, and in various other ways; they have plenty of employment in the summer, and in the winter their whole means of subsistence is line-fishing, and they told me that they made better wages in that way than by the trawlers.

1875. Has not hook fishing and the capture generally, considerably diminished within the last two years in the Bay of Dublin, notwithstanding the prohibition?—I have lived near Kingstown for some time, and I have paid a great deal of attention to the numbers of fishermen employed there, whom I generally see in going down to Merrion, and I do not think that they have decreased. They told me that they made very good wages. The only complaints which they made were when their lines were carried away by a trawler.

1876. Have you any knowledge of Galway Bay?—No.

1877. Are you aware that the last 20 years there has been a prohibition against trawling in a considerable portion of that bay?—I have never been in Galway Bay, but I know that there has been a prohibition.

1878. Have you heard that the condition of the fishermen in Galway Bay has gone down very much?—According to the Report of the Royal Commissioners, and representations which I have read, I think that there was no room for them to go down.

1879. They were so very poor and miserable?—Yes.

1880. Do you know anything personally of Dingle Bay?—No.

1881. Are you aware that the prohibition there has been removed by the desire of the fishermen themselves?—By the desire of the fishermen engaged in trawling. I read the Report of the Inquiry by Sir Richard Griffith, and I saw that the line fishermen were not heard at all. As regards Galway Bay, I was present at an investigation, which was held by the Board of Works, respecting Galway Bay, and the Royal Commissioners alluded to it, and the whole of the evidence given was by trawlers. The Claddagh men were invited to come, but they could not pay the expenses.

1882. Have you any personal knowledge of Sligo, or Waterford Harbour, or any of the other harbours round Ireland?—No; I have some slight knowledge of Clew Bay, and the fishing ground a little north of Blacksod Bay, at the Stags of Broad Haven. There are fine fishing banks off there, but the coast is too dangerous to shelter any class of boat which could venture on to those fishing grounds.

1883. As a practical fisherman, are you aware that it is the fact that under certain circumstances of a storm at sea, large shoals of fish will come into harbour for the purpose of shelter?—The general impression is that the fish go out to sea in heavy storms. They all take the bottom at that time.

1884. But is it not also the fact, that in certain storms they will come in, so as to have the protection of the bays and sheltered places?—I cannot say that I have ever observed that, and I do not think that it is the fact. The fish go to the bottom in heavy gales of wind, and lie on the bottom, but they are very often taken by trawlers at that time, and they get a class of round fish which otherwise would be moving about in search of food in shoal water.

1885. Is it not the fact, that in some storms, in order to avoid what is called the ground swell, and the sand which there is about the coast, the fish will go into deep water, but is it not also the fact, that certain storms will send them into the bays and sheltered places for protection; do you know that it is not the fact?—I do not know that it is not the fact.

1886. Do not they frequently come into the bays in pursuit of fry?—Yes, the fry always stay in the shoal water; and no doubt the fish come in there in pursuit of fry.

1887. Does not the prohibition on trawling prevent the larger class of trawlers from capturing the fish in the bays and estuaries as they might do?—I suppose that it does; but at the same time, any fish which I have seen there are generally round fish, which are not captured by trawlers. I do not know that fish come in there; they may, or they may not.

1888. Respecting the condition of the fishermen round the coast, have not a great number of fishermen been obliged to give up their pursuits for the want of boats and gear?—Yes, a great number have; they have their boats in very exposed places. I went down to some boats which were fishing at Kingstown, and as soon as I saw the open boats in which they were fishing in such very bad weather, I said, "These look to me to be beach boats," and they said, "So they are, sir, and it is about the worst beach in Ireland."

1889. By reason of the poverty consequent upon the famine, have not a very great number of the coast population been obliged to give up fishing pursuits by reason of their boats and gear getting out of order, and their not being able to repair them?—Yes; I am aware that that is the case.

1890. Do you think that well-secured loans might be granted to fishermen?—Yes; I think that they would do an immensity of good. Their boats

boats coming on shore upon one stormy day might get so injured that they could not repair them; whereas if they could repair them, they could in three days afterwards perhaps repay the whole value of the boat, instead of the trifle advanced for repair. I certainly think that they require assistance.

1891. Do you think that there are very great capabilities in Ireland for the cultivation of oysters on a much larger scale than at present?—I am certain of it; the oyster fisheries have been almost neglected, there are very few cases in which oyster beds have been planted, or in which anything has been done to promote the oyster fisheries. I intended myself to have planted an oyster bed, but in consequence of the difficulty about getting brood, I gave it up, thinking that perhaps the climate was too cold for oysters. But the other day I saw the oyster beds at Malahide advertised to be let, and it was stated that they were well stocked with an immense quantity of natural brood.

1892. The capabilities of Ireland are very great for the cultivation of oysters?—Yes.

1893. And they might be greatly increased?—Yes.

1894. Are you in favour of having the Crown brand on herrings?—Yes. The full Crown brand is the mark for fish in its best season. I saw them the other day. There is the second brand and one on the spent fish which is scarcely worth saving. The fishermen at Howth are not able to sell the fish which they cure from the want of a Crown brand, and they send their barrels as a sample, without charge, to different merchants. These persons open them, and say that the herrings are superior to anything which they have had from any other country, but they say, "As there is no Crown brand, we have no guarantee that one-half of the barrel is the same as the other." And they cannot examine a barrel of herrings, because when once they are disturbed they are spoiled.

1895. In some parts of the coast of Ireland where fish might be caught in great quantity, but where there is a difficulty in reaching markets, do you not think that it might be desirable for the Government to encourage the establishment of curing houses?—Yes; and they have done so at Howth; the Government have erected sheds there as curing places, and they rent them to different people. The curing houses are very inexpensive, and if the Government established them I think that they would be immediately rented by the person who would take advantage of the fishery there.

1896. Upon the western coast where there has been great success in long line hook fishing, would it not be advantageous in the same localities to establish curing houses?—Certainly.

1897. There is a clause in the Bill enabling loans to be granted for the establishment of curing houses, do you think that that is desirable?—Yes, I think that the owner of any property would be very glad to take advantage of it, as he would receive an ample rent for the accommodation.

1898. Mr. *Herbert.*] You have said that you have written a book on fishing in Ireland?—Yes.

1899. To what part did it mostly refer?—Generally to the north-eastern and the north-western coasts. I knew very little of the south except what I had become acquainted with by reading reports, and from the Fishery Commissioners' Returns.

1900. In the beginning of your evidence you stated that there is not a sufficient supply of fish to keep the fisheries going?—The fish have very much decreased.

1901. Afterwards you said that it would be a good thing to grant loans to fishermen?—Yes.

1902. If there are not sufficient fish for the fishermen to catch, how could they repay the loans by fishing?—I allude to the grounds which are fished that have markets; Dublin Bay, and the whole of the eastern coast is fished at present up to its best extent; but at the same time there are large fishing grounds off the north-western coast, where if the fishermen were enabled to keep their boats in repair, and if there was a market for the fish, and if they could cure it where they caught it, they would have ample security for any loans, and they would at once create a trade in the place.

1903. Do you know anything about the western coast?—I just know Clew Bay, and up as far as the Stags of Broad Haven.

1904. Do you know Bantry Bay?—I have passed it, but never had any knowledge of it.

1905. Do you know Kenmare Bay?—No.

1906. Do you not think that it would be just as bad to take up fish having spawn, as to disturb the spawn in certain seasons?—It is precisely the same: when you take the spawn out of the fish, it is a spent fish, and it is unfit for human food; and at the same time you will see the spawn selling in Dublin market for 2 *s.* a stone; it is considered a great delicacy. I think that that destruction of fish is enormous. The cod have become scarce in Newfoundland, and on the Dogger Bank, and in every other fishery: 46,000 barrels of cod spawn or roe are sent from the coast of Norway.

1907. In your opinion is the immense destruction of spawn one of the reasons of the decrease of fish on the coast of Ireland of which you have spoken?—It is.

1908. Do you think that trawling affects it?—I am certain that trawling must disturb the spawn; every witness's evidence seems to state it; and I am certain that when once the spawn is turned up, it becomes the food of the very fish which spawned it.

1909. In the same way, if a man disturb a salmon bed, every fish feeds on it?—Yes.

1910. Do the generality of sea fish bury their spawn, or lay it on rocks or seaweed?—My impression is that they bury their spawn.

1911. At what depth?—Perhaps merely the depth of the fish; one and a half or two inches, as it may be: the sand rests slightly over it, and protects it from being disturbed by other fish.

1912. Do they throw a bank over the spawn?—They burrow down, I think.

1913. It is level with the sand?—Yes; or rather under it, if anything; they burrow into it, as the salmon burrows in, and they leave their spawn there, and cover it.

1914. Do they, like the salmon, leave a sort of bank over it?—I do not think so.

1915. From your practical experience, can you state to what depth a trawl drags in the sand?—The trawl is of great weight, and the sand is very volatile. If a boat touches the sand it rises up in suspension to the surface of the sea in no time; and I fancy that the heavy trawl, with its net well preserved with nettings underneath, to keep it from wearing against the bottom, will root up 15 or 20 inches of the sand.

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1916. Thereby destroying any spawn which it comes across?—Certainly.

1917. Is it likely that with so small a thing as spawn is generally, when you are trawling over a trawl bed any spawn would stick to the net?—I think that it would wash through the net.

1918. You might, in fact, go over hundreds of spawn beds and not know it from the net?—Yes; in trawling, where three or four boats pass over the ground one after another, one may root up the spawn, another may turn it over so that the egg is perfectly undistinguishable, and a third may carry it up with the débris, the sea-weed, the small fish, and thousands of things which are brought up in the trawl.

1919. Your opinion is that when once the spawn bed is disturbed there is an end of it?—When once the spawn is disturbed, I think that it is ended.

1920. Colonel *Tottenham.*] As to spawning, is there any practical knowledge whatever of the mode in which the fish deposit their spawn?—The nearest thing which I have known of it is from my own observation of the herrings spawning in Dublin Bay; but I do not think that any person as yet knows how the spawn is deposited by the haddock and the cod, and the ling; the fishermen told me that in the rough sandy grounds the trawlers know the time from seeing the development of the spawn when the fish spawn on those grounds, and that they have caught them there in great numbers; that is to say, on rough sandy ground or light gravel.

1921. Is it not a matter upon which neither men of science nor practical men have come to any definite conclusion?—I think that the working fishermen know a great deal more about it, just the same as a gamekeeper knows the habits of his preserves better, perhaps, than any scientific man can tell him.

1922. Even in the different fishing localities is not opinion very much divided upon the subject?—They give their opinion very much according to their interests; the trawlers of course say that no harm is done; they have started the supposition that the fish spawn in grounds where a trawler cannot work, which is quite wrong.

1923. Then for the purpose of building any superstructure, the opinion of neither party can be taken as well founded?—I should say that it is very easy to arrive at a just opinion upon the subject. If the Royal Commissioners had employed at the proper season a trawler, and had gone on board with disinterested persons, with line fishermen and others, who had seen these grounds trawled upon, they could have formed a very good opinion, but their knowledge is merely from hearsay.

1924. With regard to the Ennis Kea banks, I understand that they are not fished now?—No; they have not boats fitted for them; they were fished by boats from the eastern coast which went round there, and the difficulty of the want of harbours on that coast would be counteracted by a larger class of boat, a boat of 150 tons.

1925. Those banks not having been fished for some time, do you suppose that the fish have multiplied there?—After they leave the bank, they migrate to great distances for feeding. There is no doubt that a great fishery has been discovered at Rockall, some 350 miles north; it was discovered by Sir Leopold McClintock some few years ago; but fishermen cannot fish it on account of the rough water, or the tides which they meet with there.

1926. Does ceasing a fishery tend to increase the fish?—I certainly think so.

1927. You, therefore, think that on the western coast of Ireland, where the fishing has been suspended for some time, there are more fish than there were before?—That would be my supposition; no spawn was destroyed, or feeding fish disturbed on any scale; that fishing was by long lines. In the Irish fisheries, there are about 4,500 men employed in trawling, and about 38,000 or 40,000 employed in long-line fishing. The long-line fishing is the great fishing of every country. No trawlers are known in America, and very few nets; the Americans almost entirely fish by the long line.

1928. Is it your experience that where trawling has been allowed the fish have decreased?—Certainly, very much along the eastern coast; in fact, the ground has been overtrawled, and the destruction has been more than the supply.

1929. Colonel *Annesley.*] But you are protected along the eastern coast, are you not?—Yes; in the bays to a certain extent.

1930. General *Dunne.*] You say that you would allow trawling in the deep sea; what is the least depth at which you can trawl?—I have seen a boat belonging to Rush, the "John," of Rush, lie outside Howth Harbour, where she scarcely had her depth of water; it was under two fathoms of water, she trawled from there to very nearly off the Point of Rush; I spoke to the coast-guardman there, and asked him why he did not prevent it, and he said that he had no means to do it; I afterwards asked what her object was in trawling there, as she could get nothing but small fish; they told me that her owner was a very respectable man in Rush, a long-line fisherman, and that it was to supply him with bait.

1931. What is the greatest depth in which a trawler can work?—I should say that the limit would be about 45 fathoms to trawl with any comfort.

1932. But you could trawl at the depth of 45 fathoms?—Yes.

1933. That is, supposing the bottom to be fit for it?—Yes.

1934. On the bank which you speak of, it is less than 45 fathoms, is it not?—I think that it is something under 40 fathoms; on the bank at Newfoundland, they do not fish in more than 40 fathoms; the fish become scarce at about 50 fathoms. The Americans believe that no fish lives in 100 fathoms except the whale. At Newfoundland, having tried all the depths, they found 40 fathoms the best.

1935. I understand you to say that you do not think that the fact that spawn is not brought up is a proof that the trawling does not injure the spawn?—No.

1936. You do not think that the fact that spawn is not found in the nets is a sufficient proof that trawling is not injurious?—Certainly not; I think that if a trawler disturbs the spawn, it does all the injury which it could do by bringing it up.

1937. At the bottom of the sea what depth do you suppose that a trawler goes?—The trawl is very heavy; there is an immense quantity of débris about it; you may have stones, and you may have 50 things in the trawl which would add weight to it, and dig it deep into the sand; but I think that with anything like a moderate supply

supply of fish, it would drive itself into the sand to a considerable depth; the trawl rope itself is now made of a considerable weight; it is very nearly a 6-inch rope, and it is served round with another rope to give it additional weight. If it was light it would pass most likely over the fish, but it is made of such a weight that it will not pass over the bottom of the sea; it will take everything along with it; it draws over the sand; there is nothing buried but the purse, and the trawl drags like a heavy harrow; the rope scrapes the top of the sand.

1938. But the net which is working sinks into the sand?—It does; especially when there is fish in it; it depends entirely upon the quantity of fish.

1939. Then the spawn must be injured by the external part of the net?—Yes.

1940. Therefore, you would not find that spawn inside the net?—Just so; if any number of vessels were trawling, a vessel coming upon that disturbed spawn would take it into the net, whether it was lying broken or floating on the sand.

1941. Is it your opinion that flat fish do invariably spawn in rocky ground?—I am certain that they do not; I have observed the flat fish continually working themselves into the sands.

1942. The Chairman assumed in asking you a question, that trawling was prohibited in every bay in Ireland excepting Dingle; do you think that that is the case?—On the eastern coast, I think that it is generally forbidden.

1943. In how many harbours in all Ireland are you aware that it is wholly prohibited?—I mention a district of something like 60 miles of coast.

1944. Are you aware that in all Ireland there are only 11 cases where there is a total prohibition of trawling; are you aware of that Return (*handing a Return to the Witness*)?—I am not.

1945. You are not aware of the fact, except from the Return which I have put into your hand?—I am not; I know the coast from Killiney to the Mountain Foot; I know all those bays, and they are generally under restriction.

1946. You say that in the Bay of Dundalk there was an application by the trawlers, and that, with the assent of the others, they wished to have two trawling boats?—Yes.

1947. Do you think that they would have allowed more?—The object of those who sent in the memorial was not to allow more; it was merely to supply the town.

1948. You have mentioned that the boats and gear get out of order from work, and that the men are unable to replace them?—They are knocked about by storms; even in the middle of the fishery they may be so injured.

1949. Are you aware of a society which, to a small extent, supplies that want?—I am.

1950. Do you think that it does a great deal of good?—I have several times applied for loans for poor fishermen on account of conversations which I had with Sir John Kingston James and Lord Talbot, who were both members of that society, and I found that the poor men could not obtain the security which was required; but the society has lent occasionally to others; the security was good, and the money was never lost by the society.

1951. It is a useful society?—I think that it is.

1952. Do you think that if it was supplemented by loans by the Government its usefulness could be carried on to a greater extent?—I think that it could be carried on to a very great extent; it would be advantageous if there were inspectors or sub-inspectors, or even coast-guardmen paid for the duty who knew the position and the necessity of the men at the time; a boat coming into the harbour in the middle of the fishery might have her nets carried away, or she might be stove in and become useless, and a man might be thrown out of employment, and his family left without any support; a local man knowing this, could get him a loan; the boat would be repaired, and perhaps in one week he could repay the loan; that would be an improvement upon the society.

1953. Do you think that the Government would suffer any loss by those loans?—I think that the Government have never lost by them.

1954. It would depend upon the management?—Of course.

1955. I think you stated that the fish at Howth were superior, but that they could not be sold for want of a brand; would you recommend branding, or would you do away with the whole system of branding in Scotland, and give the parties fair play in the market?—I think that doing away with the branding would do Scotland a very great injury, and would still leave a want in this country.

1956. Then you would extend it to this country?—I would extend it to this country. It is a very cheap means of introducing the best fish into the market, which any industrious man may supply, although he may be an unknown man. As soon as the Crown brand is seen, it is a guarantee that the fish is good.

1957. Are you acquainted with the details of the herring fishery all along the eastern coast?—Yes.

1958. Do not vessels from all parts of the kingdom go towards Howth and fish there, both English and Irish vessels?—There is no doubt that Howth is the great depôt of the herring fishery; it has facilities which no other place has.

1959. It is the great rendezvous of the fishing trade?—Yes, the fishing grounds off it are the best. They have a first-rate market for fresh fish from the facilities of conveyance up to Dublin. If fish are at a very low price, they can be cured without running the price of the poor man's fish too fine.

1960. You recommend the erection of curing houses?—Certainly.

1961. And you say that they are inexpensive?—They will pay their own expenses.

1962. Then you suppose that the Government would let them out?—They do so now; there is an establishment of that sort at Howth.

1963. That was built by the Government?—Yes.

1964. You know that locality?—Yes, very well.

1965. You have stated, I think, the advantages of the locality to be the facility of sale?—Yes, a fine harbour easy of access and well sheltered in all weather, a saving of wear and tear, a proper demand and a good market.

1966. Do you consider the harbour there sufficient to meet the requirements of that coast?—Not now; it might have been some short time ago, but Howth is increasing, especially in the fisheries, to a very great extent.

1967. Do you think that the formation of

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small piers and places for the reception of vessels, and more curing houses, would be an advantage there?—Certainly; I think that a jetty through the centre of Howth Harbour in such a position as might be deemed best, would be a great advantage to the fishermen in enabling them to land their fish on each side, for they have not sufficient facilities now for landing their fish. If they go along the pier, they go into shoal ground, and they most likely lose a tide's fishing.

1968. The harbour has been very much filled up has it not?—Yes; but the harbour was never finished, it was merely the skeleton of a harbour.

1969. Would you have piers of that sort at Skerries and other places along the coast?—Skerries is a good roadstead, but in gales of north-easterly wind, unless a considerable sum was laid out upon it, men could not remain secure there with their boats for any time.

1970. You think that it would require a large outlay to make Skerries a good harbour?—It would require an immense outlay to make it afford the same accommodation as Howth does; I also think that it is too far from the fresh fish market, and that the expense would be too heavy to enable the poor of Dublin to get a full supply; the profits would principally go into the hands of the railway company.

1971. The expense would not be compensated by the advantages?—Not at all.

1972. Are there any other points along that coast where small piers might be constructed?—There are several places where very little expense would place the harbour in good order; Clogher Head is one; Malahide is another; I mean, to secure the lives and property of the local fishermen. At Malahide, I think that three boats' crews have been lost within some few years past, and it leaves the children fatherless, and the widow to beg her bread. I think that the laying out of small sums would be an immense advantage.

1973. You do not think that any very large outlay upon the part of the Government would be necessary, but that moderate sums would do for those piers?—I think so; I think that some income would also be derived from the dues of those harbours, which most likely would pay more than the interest, or repay the cost in 25 or 30 years, upon the same principle as in the case of loans on land.

1974. Therefore it would be no burthen ultimately on the Consolidated Fund?—Precisely so; it would be reproductive.

1975. You think that Howth is now the great emporium of the Irish fishing on that side?—It is the best circumstanced place, and the most sheltered, and it affords the best markets, and I think that it could not be surpassed in that way. There are lots of herrings which are purchased and taken away by dealers.

1976. You are aware that upon the western coast of Ireland those advantages are not afforded?—Of course I am.

1977. Do you think that, under any circumstances, a seafaring population would be got up upon the western coast, and that fishing would be so productive as entirely to support the population on the western coast?—I do not think that it should be the object to raise a fishing population upon any coast; and the great advantage of the Scotch fishery is that there is scarcely a Scotch labourer who cannot turn on board a fishing boat; and if there is a great take of fish, they can man their boats and start them off at once; whereas we certainly have not that advantage. I believe that there is now a scarcity of men for the herring fleet at Howth, but there are stormy seasons of the year when if a man was exclusively a fisherman, he could not go to sea, and he would devour his harvest. I think that the thing should be made more combined than it is, and that a good number of the labourers on the coast should understand something of fishing, and if encouragement was given it would be an advantage. During the bounty times, the men went to the fisheries, and in the winter season they returned to their labour.

1978. On the stormy coast of the west of Ireland, do you think that men who are occasional fishermen are equal to the management of boats in such a sea?—Very well.

1979. Then you do not object to the combination of fisherman and farmer?—I think that it is perfectly requisite. No man having a fishing crew would like to keep his crew idle during stormy weather, when they could not go to sea. The fishermen would be able to get ample employment from the sea-coast farmers; and I should have no objection to their having, as they have at present, their small gardens, which give them a considerable amount of food.

1980. Are you aware of the fishery at Clew Bay, and in that part of the country?—Yes.

1981. Is there a great amount of fishing there?—The banks off Clew Bay have been very great fishing banks, and I fancy that they are so still. At the bottom of Clew Bay there are very large boulders and single stones, which would impede any trawler there.

1982. Have the fish increased in Clew Bay?—They have a very fair supply of fish in Clew Bay with the hookers.

1983. And it is all taken with the long line?—I think that it was all taken with the long line when I knew it.

1984. Are you aware that it is not possible to trawl in Clew Bay?—Clew Bay is not a very sandy bay; there is an immensity of light mud running through the sand, which is not quite feeding ground for fish.

1985. Do you think that a close season against trawling would be sufficient protection to the fisheries, allowing trawling to go on at the season at which fish are not supposed to spawn?—I consider that the small fish run for protection into shoal water, and the heavy fish cannot follow them or prey upon them there as they can in deep water; and I know that the seine nets which fished in Dundalk Bay brought in large quantities of small fish. I have seen a young turbot not more than the size of half-a-crown, and those fish would certainly be destroyed. I do not think that the trawlers themselves, generally, would wish to go there. I think that the supply of fish is very much dependent upon the breeding grounds still existing in those bays.

1986. Therefore you do not think that any system of close season would answer?—I do not.

1987. Do you not think that the destruction of those small fish is nearly equal to the injury done to the spawn?—It is the very next thing to it.

1988. Have you ever seen in Galway Bay, after a trawler has been there, a large quantity of small fish brought up?—I have not seen it in Galway Bay, but I have seen it at Clogher; in Clogher they lose nothing, and the beggars and poor

poor people used to get those fish for a mere nominal sum; they were not more than about four inches square, and they took them away and cooked them, and anything smaller than that was generally given to the pigs.

1989. Have you any doubt that the destruction of small fish must be most injurious to the fisheries of Ireland?—I am certain that if that destruction was not going on, the fisheries would be now as productive as ever they were. A few years would bring them round.

1990. In the same way as the salmon fishery has been brought round?—Yes. If the salmon spawn was exposed in the market it would create a great outcry; but there is the spawn of cod at the same time; people will not eat a cod which is a spent fish, but they look upon the spawn as a delicacy.

1991. At what period of the year do the fish spawn?—As a general rule, they spawn in the spring; but any fishmonger can tell you in what condition he gets the fish; and he will recommend the fish which are best in season. I do not think that any fish advanced in spawn is in good season, though it is not inquired into.

1992. Are not fish worse in autumn?—No, I think that the prime fish are in autumn.

1993. Mr. *Kavanagh.*] I think that you said that on the withdrawal of the bounty which used to be paid to these fishermen, they took to the trawls; can you give us any reason for that?—The bounty was on round fish, which were long-line fish; it was on the cod, the hake, the ling, and on herrings; except the herrings, they were all long-line fish, and it was on the north-western coast, on the Ennis Kea bank, and those places, that the fish were taken, upon which they got the bounties.

1994. When this bounty was discontinued, they took to the system of fishing for other fish?—Yes.

1995. You say that it was on the Ennis Kea bank that they took most?—Yes, and on all the banks down from Ennis Kea and off Galway, and all along the north-western coast.

1996. Have you much knowledge of that north-western coast?—Not south of Westport.

1997. But you are positively of opinion that there is a large fishing bank off there?—Yes, I have seen the boats coming from it, and I have seen the boats return to fish off that bank; the men told me that they had a good deal of fish there.

1998. How far off is that bank?—I think that they reckon it to be about 20 miles off the coast.

1999. It would take large boats to fish there?—It would.

2000. You have stated that you think that fishing and farming should be combined?—I think so; I think that there is a season of the year when the men could employ themselves on farms when they would otherwise either be a drag to the persons who employed them, or would eat the produce of what they had gathered together during the fishing season.

2001. Do you think that that would apply in the case of working the large boats; do you think that farmers would be skilful enough to handle large boats in a gale of wind?—They would generally have a crew; the skipper and three or four men would be the working crew of the boat, and they could employ additional hands for working their long lines in open boats from that vessel. On the banks of Newfoundland the cod fleet anchor for the fishing, which perhaps occupies some few weeks, and they ride out very tempestuous weather, much more so, I am sure, than they would meet with on the western coast of Ireland.

2002. Do you think that on the western coast of Ireland there is a population who would start large boats to fish these banks, if they had the means?—I do not; but on the eastern coast of Ireland I think that there are several depôts of fish, Howth and other places, where the owners of fishing-boats are anxious to keep their crews together, and that they would start large vessels of 150 tons, in which the crew could be on and off the fishing-ground in bad weather, and that when good weather came, they could shoot their long lines and take up the fish, and cure them on board. In 1846, when I wrote my book, I gave the plan of a vessel, which was taken very much from American fishing-boats which I had seen here, but since that time I have been a good deal in America, and I am satisfied that that is a perfect boat for the work.

2003. Men who should manage a boat of that sort should be professional sailors?—Yes, and the others would be merely for heaving a line or pulling an oar; there are plenty of coast fishermen who could do it. (*The Witness explained to the Honourable Member the description of boat proposed by him.*)

2004. Do you think that in the event of a loan being granted, as proposed by this Bill, you would find men on the eastern coast to start their own boats or crews?—Yes, I am certain of it.

2005. Would not it be rather a large undertaking?—They are not very expensive; you would get them built in the Clyde for 10*l.* a ton. That is a very simple fact. I know the prices of the St. Ives boats very well; their boats are generally 25 tons, and they pay about 10*l.* a ton, and very seldom over that, for having them built and found; 150*l.* for the hull, and about 100*l.* for the fittings. If they want a boat of that class, let them get it from Nova Scotia, or some of our colonies, where they can certainly get it under 10*l.* a ton.

2006. That is supposing that companies were started on the eastern coast to go round and fish the western coast?—They seem to be inclined not to start companies on the eastern coast. Some gentlemen who have entered into the speculation have found it pay very well, and some companies who have started wish to get the services of those men, and to reap the benefit of their knowledge.

2007. I think that the spirit of the Bill which we are now considering is to encourage local fishermen, or the inhabitants of the coast, to embark in fishing enterprises, and that sort of thing?—Yes.

2008. Your idea, I think, would be that people on the eastern coast should undertake to fish the whole coast of Ireland?—I think so, and my reason is this: they have no harbours on the western coast for such boats as are able to contend with the Atlantic seas, and therefore these boats going round, would go round with their crew of a skipper and three men and a boy, and they would employ the coast fishermen there, and take them to sea, and get them to work those whale boats and to shoot the lines. In fact, the lines could be shot from the sides of the vessel herself, as is done on the banks of Newfoundland.

2009. What would you propose to do with the fish which were caught?—That they should cure them

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them on board; and that is the reason why I propose such a large vessel.

2010. Would they not be losing a good deal by losing what is called the fresh fish market?—I do not think so; I think that well-cured cod and ling and hake sell at 25 *l.* a ton. I think that the return of one of the boats going round with eight men for the season is about 150 *l.*, with some 10 or 15 tons of well cured fish.

2011. Have you ever seen those fishing boats with wells in them?—I have.

2012. Do you think that a good plan?—Where they have to knock about, of course the fish deteriorate after a short time; they have to watch them, and as soon as a fish turns upon its back, they must pull it up and kill it.

2013. Do you think that there is any population on the western coast, supposing them to be assisted in the way proposed, who could take up the fishing on those banks?—In certain places, Sligo and Westport, and perhaps Galway, they might do so, but those are the only places where they could find shelter for such vessels as those.

2014. Is not Belmullet a good harbour?—I think not; they can run through Belmullet now into Broad Haven.

2015. Is not Broad Haven a very good harbour?—Broad Haven, no doubt, is a good harbour.

2016. You say that you consider that the supply of fish off the coast has decreased?—I do.

2017. And that that is attributable to trawling?—Yes.

2018. Ho do you account for the Dogger Bank on the east coast of England being as good as it ever was?—They run out from the spawning ground. The difference between the English and the Irish fisherman is this: the English fisherman owns his own boat, and he looks for a supply of fish to his own market; whereas in Ireland it is not so, the proprietors look for a good dividend for their money, and the men look for increased pay; they are paid a good deal by shares, so that the crew will fish certain places in spite of the owner, though the owner might disapprove of it.

2019. Most of the men who fish on the Dogger Bank, send their fish to persons in London, who supply the Billingsgate market. Supposing that the trawling was done away with, how would you manage to catch turbot, and plaice, and brill?—I never advocated doing away with trawling; but what I advocate is, preventing the trawlers from going into, what I consider to be, the spawning grounds and shoal bays.

2020. That is, within the 10 fathom line?—Yes, it is marked in the Admiralty Chart, but the 10-fathom line is well defined by the prohibition on the eastern coast; that 10-fathom line runs past the headlands, and as you go into the bays it decreases in depth down to one fathom.

2021. Is there good trawling ground on the eastern coast of Ireland?—The whole Irish Sea is good trawling ground, and has been trawled over. The deepest part of the Irish Sea is about 80 fathoms, but the general soundings are about 40 fathoms. From Kingstown to Holyhead it is about 40 fathoms; from Clogher Head to the Isle of Man, to a place which they call the Pool, about 60 or 70 miles from land, it runs to 80 fathoms.

2022. The only thing to which you object is trawling in bays?—Yes.

2023. Are not the rules of the Board of Works pretty much what you consider they ought to be?—Yes, I consider that they are as fair as anything can be; and these rules were made at the request generally of the local fishermen to prevent any rows; for the local fishermen were determined, as in Galway Bay, to prevent trawlers coming in. I had a letter from the coast-guard officer at Howth, and he gave me a list of 190 *l.* worth of lines which were taken away last year by the trawlers going over them. The Royal Commissioners seem to think that the trawling and the long line fishing can go on together. That is perfectly impossible; the trawling must carry away the long lines, and it has been the case continually in Kingstown. In Galway, a Cloddagh fisherman goes out to take up his lines. His family are at home, expecting him to come with some provisions, but he comes home without any food, and he says that a trawler has carried away his line. Those men, of course, will commit outrages to keep a trawler off. In Dundrum Bay the gentlemen took it into their own hands, and they have always kept away the trawlers; and I suppose that it is one of the best supplied bays which there are.

2024. Colonel *Annesley.*] Are you not aware that the fish have very much fallen off lately in Dundrum Bay, and that there is not now a large supply there?—I am talking of some years ago; there was an immense supply of turbot there, for I remember one boat coming in, and she came with an immense supply of very fine turbot to Clogher Head. It happened to be a stormy night, with an off-shore breeze, and they told me that the bay was closed, and that they kept an armed sloop, and fired into a vessel which came in to trawl. I had the question asked by the Royal Commissioners of some of the trawlers at Howth, and they stated that they dare not go into Dundrum Bay for that reason.

2025. Mr. *Cooper.*] You are in favour of a close season for cod fishing?—I certainly am; the breeding fish and the spawn of the salmon are preserved, and it stands to reason, I think, that the cod must decrease ultimately if their spawn is destroyed to the immense extent to which it is.

2026. Then you think that the number of cod is decreasing?—Yes, from my own observation on the eastern coast; and from the reports in "Land and Water" and in various other journals which I have read, I see that it has decreased on the banks of Newfoundland. In fact a Canadian told me the other day that last year half the vessels left, and went on to the seal fishery in consequence.

2027. You would protect it by a close season?—Yes.

2028. Have haddock very much diminished in number?—Yes.

2029. Then you do not agree with Mr. Andrews who thinks that they are there, but that they have changed their ground?—Every place where haddock could be found has been searched by the line fishermen, but they are not on the coast; but there is some part of Dundalk Bay which is full of haddock, and that is the only part of the coast where they come from, and they are taken in small quantities off the Bailey Light; but the haddock is not the same fish; it is not the large fine fish which it was.

2030. Is it possible to improve the feeding grounds?—Yes; by preventing the destruction of the food by trawls.

2031. The

2031. The feeding ground has been protected in Dublin Bay, for the last 20 years?—Yes.

2032. And yet the fish have not increased in numbers within that time?—A very great fishery goes on in Dublin Bay.

2033. Of haddock?—It was the best haddock bay that we knew of in old times, and the line fishermen work there the whole winter; they are able to support their families comfortably and to make more money than the trawlers can. There are a lot of cockle women there; I was surprised to see the number of them, and on asking the gatekeepers at Merrion on the opposite side to make a calculation how many there were, they said that there were about 400 cockle women picking up cockles in Dublin Bay, which they sold. I saw these women several times, and I asked them what money they could make and they told me that they could make 10 *s.*, 12 *s.*, and 15 *s.* a week by selling cockles during the season. In the Bay, trawling goes far inside; it catches the spat and spawn and everything which lives in the sand. The sand teems with life, there are the cockle, the razor fish, and the lug, which is a great bait; you will see it work down to 14 and 15 inches. The sand may be hard when the water is off it; but as soon as the water comes upon it, it is held in suspension and becomes light in the water, and the fish can easily work down to spawn, and those animalculæ, and the crustacea show how easy it is of penetration.

2034. Are the breeding habits of the crustacea well known?—I have never myself much attended to that point, excepting as regards the mussels. On the sand banks of the Boyne there is a quantity of mussels; there is not a mussel bed at Clogher, four miles off, but the rocks are covered with musselspat.

2035. Are you in favour of doing away with the restrictions upon setting herring nets in the daytime?—I am not. In several cases I have seen the herring off Clogher Head, and the fishermen could easily have shot their nets through them if they had chosen; but the old fishermen have told me that before this rule was made, it was done two or three times, and that the fish left the coast, and did not appear for some time afterwards. But it is not a law which is enforced by the Board of Works, it is a voluntary law of all fishermen.

2036. Then there is no law against shooting nets in the daytime?—There is, I believe, no law which can be enforced against it. I believe that complaints have several times been made to the Board of Works with regard to shooting nets in the daytime, and they have done what they could, but at the same time they have no law which they can enforce to prevent it.

2037. By the 59 Geo. 3, c. 109, it is enacted that herring nets shall not be shot in the daytime under a penalty of 10 *l.*?—I am surprised at it.

2038. And it is proposed by this Bill to alter that?—I was not aware of it.

2039. Do you think that there ought to be a fishing police?—Certainly.

2040. Who do you think should be appointed as the police, the coast-guard, or who?—There is no doubt that the shortest means to arrive at that result would be by the coast-guard; but these men generally have rules and regulations of their own by which they stand, and it is only strangers coming on the ground who break through them; I think that the coast-guard would be the proper persons; an additional man or so could be appointed to each station: and if a man required any assistance, he could get help from his commanding officer.

2041. You think that Sligo Bay would be a suitable place for a fishing station?—Yes.

2042. With those large boats which you have spoken of?—Yes; boats of 150 or 100 tons.

2043. And the curing would be done on board?—Yes; at Sligo they might bring in two or three days' fishing as soon as they had caught the fish; but in order to get the Crown brand, the herrings should be saved the day that they are killed.

2044. Would you form a company for fishing Sligo Bay?—It just depends upon the feeling of the gentry, or the speculators themselves; of course, if they formed a company with men acquainted with the fisheries, it would do very well; but I think that men who are practically acquainted with the fisheries would much rather keep the profits in as small a compass as possible.

2045. What do flat fish feed on; do they feed on the same as round fish?—No; the lug bait is the chief bait for flat fish.

2046. You consider that their natural food is different from that of the round fish?—Yes.

2047. Do you think that they take fry?—Yes; I think that every fish preys upon fry.

2048. Mr. *Malcolm.*] Do you think that flat fish are more inclined to prey upon fry than round fish?—No.

2049. Mr. *Cooper.*] If grants were made to fishermen they must be constantly made; if there was any accident they must have a grant, and they could not repair it out of their savings?—They would not ask for a grant if they had savings.

2050. If the fishermen were well established, do you think that in a few years they could do without grants?—Yes.

2051. But you would make grants now to encourage the fisheries round the coast of Ireland?—Yes.

2052. And then you think that they would be self-supporting?—Yes; there are four or five men to a boat, and one or two may be very improvident, and not able to pay their share when required, and perhaps the others would think that it was better to get a loan and deduct the share of the loan from those parties.

2053. This Bill proposes that certain voluntary agreements should be made between the owners and the crews of boats; are you in favour of that proposal?—I think that it would be very prudent to do so.

2054. To enter into a sort of articles?—Yes, for a time.

2055. It would make the men careful and provident, would it not?—It would, and it would prevent their deserting the boat, and leaving it short of hands.

2056. Have you known instances of their deserting the boats?—I cannot say that I have; I have known them leave one fishing to go to another; but all hands would do that.

2057. Do you think the security required by the benevolent society too strict?—I think that a poor man who requires a loan could not give the security which they require; people are not anxious to go security.

2058. What security did you offer to that society when you were anxious to borrow money?—It

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—It was for fishermen; I went to learn their terms, and I told their terms to those fishermen, and they could not comply with them.

2059. Did you propose any security?—No; they wished the men to find their own security.

2060. You went to the society without knowing what security the fishermen could give?—Yes; I knew that they had friends who were pretty well off, but I did not know whether those friends would go security, or not. In case of one of the coast guard being appointed as a constable of some district, he could see that the man was a proper person, and he could lend the money either to the individual, or to the boat's crew, and see that it was repaid.

2061. In your opinion should the Government cause inquiries to be made into the habits of fish?—I certainly think so.

2062. Who would be the best persons to undertake such an inquiry, the commanders of the Revenue cutters?—Yes, I would leave it to an unprejudiced person.

2063. Are you aware that the French Government have taken great pains to ascertain the habits of fish?—Yes.

2064. And you think that our Government ought to do the same?—Yes.

2065. In your opinion should the Government build the curing-houses, or should they lend money to a society for the purpose?—It depends upon the circumstances of the place. In a place where there was a large poor population, I think that if the Government built them, as they have done at Howth, and let them out at a certain rental, those people would take them and rent them, and repay the Government in a very short time. But curers are migratory; they come from Scotland, and various other places, they settle at Howth for two or three seasons, and rent those stores there, and pay for them, but they have them in such a way that they can give them up at the end of a year.

2066. Why should they migrate, is it because the fish migrate?—Yes.

2067. Do you think that the Government should build any curing-houses in Sligo, and endeavour to make it a fishing station?—I think so, if there were persons in Sligo who entered into the speculation, and who would be prepared to pay if the Government advanced them the money. In one case I would advance the money to the parties, and in another case, where there were no parties to advance the money to, the Government might build the curing-houses.

2068. Sir *Henry Winston Barron.*] Have you any knowledge of the fishermen on the coast of France, or Belgium, or Holland?—No; I have been on the coast, but I have no knowledge of the fishermen.

2069. Nor of their boats?—I have seen their boats; they are able and comfortable boats, much better than we have on the Irish fisheries.

2070. Are you aware that they go out to sea for two, three, and four weeks, and remain out until they have filled their boat, and have cured the fish?—I am aware of that from meeting them on the banks of Newfoundland.

2071. And on the North Sea?—Yes.

2072. I am talking of those who go to the North Sea, and are very comfortable; who live in a very independent manner?—Yes.

2073. You have spoken of having seen a quantity of fry or small fish turned into the sea from the trawl boats?—Yes.

2074. Do you recollect whether those fry were alive or dead?—They were all dead; they were floating on the surface of the water for some 30 or 40 yards; it was thickly covered with them; years ago those fish were thrown out of the Dublin Bay trawlers, and they only kept the mature fish on board, they shovelled the small fish overboard in a dead state; the fish must have been killed in the trawl.

2075. Mr. *Malcolm.*] In immediate reference to your last answer, you say that the fish must be killed in the trawl; do you never take any live fish out of the trawl?—Yes, but not the small fish; the fry are generally killed; they are crushed to pieces.

2076. You say that you consider that the eastern coast has been very much over trawled, but that there are still a great many trawlers working from Dublin?—Yes.

2077. As many as there ever were, in fact?—I do not think so; there are a number. I may say that the trawling is confined to Dublin; to the local market.

2078. Is not that because trawlers catch what may be strictly called fresh fish and nothing else, and that they require means of rapid communication; and that directly they bring their fish ashore, they must send it at once into a good market?—That is the case. Again, there are very good local markets along the whole of that coast which the line fishermen supply, and it is to enable them to support their families by this supply of fish that they wish to keep the trawlers at a certain distance from the coast, and to fish inside that line.

2079. That is merely for local supply?—Precisely so. The Bill is intended to benefit the coast population, and those are the people whom the Board of Works have protected by their laws.

2080. And therefore you do not look to creating a larger supply of fish generally; all you look to is having sufficient fishing to support the people who are actually engaged in the different localities?—That is the case.

2081. So that when you said that the Dundalk line fishermen were doing very well, and that they seemed to be pretty well satisfied, the fact is, that they take fish enough to supply the local market, and they do not care about getting an increased supply more than can be consumed in the immediate neighbourhood, because they have no means of getting away that increased supply to a larger area of market; and if they brought more fish into that limited area, it would of course reduce their receipts?—It would not; they supply the demand, and the demand is now extensive, on account of the railways from Dundalk on all sides. It is a well populated country, with resident gentry. A fishmonger in Dundalk told me that they sent to him an order for fish, never asking the price, and that one object which he always had was to have a good supply of fish in the town, and that the coast line fishermen supplied him with as much fish as was needful for the district around.

2082. You have frequently spoken about the trawls going very deep and rooting up the bottom, and digging out razor fish and other things; what is the height of your trawl-head?—About three feet.

2083. Would not you very soon fill it altogether if you dug down, as you seem to expect is the case?—No, the trawl is generally proceeding

ing over the sand at the rate of four miles, or three and a half miles an hour. The iron acts as a sort of sledge, and the boat keeps it moving along. I do not think that the razor fish and those fish are rooted up in that way out of the sand. I know that when the deep water is over the sand, those fish are on the surface. The haddock and the cod do not dive down into the sand to dig out those fish, but catch them on the sand, and devour them. It is the end of the trawl net which harrows up the ground.

2084. But it could not go into a depth of more than three or four inches?—That would exactly catch the spawn and fish, and spat and ova, and all the crustacea which form the food on those beds.

2085. Would not that tend, for a time, to raise a large amount of food for the other fish?—For a time, no doubt; but in a few hauls of the trawler that will pretty well cease; it is exhausted.

2086. You think that it is possible to trawl so close as to harrow over the whole surface?—Yes; when 10 or 12 trawlers go in a line, after it has been done three or four times, it is exhausted.

2087. Were you ever in Torbay?—I have passed by Torbay.

2088. How do you account for the fact, that there, where trawling has been going on a great deal longer than on the eastern coast of Ireland, there is a very large body of trawlers who do not confine themselves to one particular spot, but have very large boats, and follow the fish and trawl about in different localities?—I know that they very seldom trawl in-shore. My son was on board the Channel fleet, and he told me that they used to pass the English trawlers continually in 40 or 50 fathom water, but never saw one in-shore until they got close to Ireland. The English trawlers wish to protect the spawn.

2089. You know that nearly all these trawlers, so far from being owned by the men, belong to large proprietors, and the men have certain shares?—That is true; but in deep waters you seldom get such small fish as in shallow water, and therefore I think that they stay well out for the good marketable fish.

2090. Then why should not the other trawlers do the same. Do you not think that it indicates a certain want of enterprise?—I cannot say that; I think that these trawlers have worked over the whole of the Irish Sea, and have worked it up.

2091. You have stated that the herrings have very much increased off Howth; has not that tended to bring in a large quantity of other fish?—Of course it has; there is a large quantity of fish which prey upon the herring.

2092. Is not the herring the best bait which you can use on the long line?—It is one of the best baits; but the fish which prey upon the herrings are the round fish.

2093. What spawn was it to which you referred when you spoke of large quantities of spawn being sold in the market?—The cod-spawn.

2094. Where does it come from?—The fish are taken off the coast; they are taken chiefly with long lines; but I have been told that any of the old trawlers know the ground upon which these cod spawn, and when the cod are upon the ground they are able to take two or three good hauls. But I fancy that time is very limited; that the cod would only rest upon the ground for a short time when they are spawning. They are brought into the market; the cod are there for sale, and the spawn also; the spawn is sold at 4 *d.* per lb. The spawn is eaten, and is bought freely, when the fish is a spent-fish, unfit for human food.

2095. Then long-line fishermen are doing a great deal of harm?—Of course, they must do harm at that time.

2096. With reference to the different ways in which fish spawn, I think that that, practically, is a question about which no one knows anything?—I am perfectly certain that no man knows so much of it as the working fisherman. Do you suppose that if spawn was exposed in any place it would not be devoured by frog-fish, and the other fish? They could not supply spawn to meet the demand.

2097. You have spoken about the brand, and the great advantage which the brand is to the herring fisheries in Scotland; are you aware that the use of the brand is declining very much?—After a house has formed its own connection, and when the buyers are certain of the man, I think that he might dispense with the brand. He must pay 3 *d.* per barrel for having the brand put on, and he might save that 3 *d.* by getting his own connection to purchase his fish.

2098. That is practically what is now arising; that the large buyers, and especially the foreign buyers, are not caring anything about the brand, so long as they deal with a respectable house?—Yes; our dealers in the herrings are not known, and the producers have not the best name. If a company is formed, they get a Scotch curer, and give him good wages; he cures the fish in the best manner, and they send them into the market, and their correspondent says that they are better than any fish in the market. The company discharge this first-rate curer, and get a second-rate curer, and send the same herrings into the market in such an inferior state, that those persons who had purchased from them before will not buy from them again, and they leave the fish upon the curer's hands. They want some introduction into the market, and the brand is what they look upon as the easiest introduction to be had, from the success which it has had in Scotland.

2099. It appears, by what you have stated, that the people in fault are the company, who, as soon as they get a respectable name, do their best to destroy it?—There can be no doubt of it; and when they found that their herrings could not get the brand unless they were a superior saved fish, they would of course employ proper people.

2100. You have spoken of the advantage of establishing a fishing station at Sligo; I suppose you are aware that in Scotland the curers go round and send their smacks to buy from the fishermen as the fish are delivered on board, and that they are taken away and are cured on the curer's own account?—Yes.

2101. Do you not think that if sufficient fish were caught in Sligo the curers would come there?—That has been the case in Sligo before. During the time of the bounty they went round there. The fish, to be cured perfectly, should be cured as soon as it is killed, the sooner the better. The Rushmen pack their fish upon the coast in large stacks, perhaps 20 or 30 feet long, and 10 or 12 feet wide, and they cover them with tarpaulin to keep the rain and the dew off them, which would spoil cured fish. I think that if the stores were there the curers would go there continually,

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tinually, knowing the security which they had, and would rent those stores. I think that the stores would repay themselves, either to private individuals or the Government. If the Government advanced the money, to be repaid in a certain number of years, I am sure that, upon the same principle, they would repay their expenditure, and that there would be a considerable profit upon it afterwards. A curing-house is a very cheap thing to erect; the curing-houses at Howth are merely timber houses with a corrugated iron roof.

2102. But still, even with these inducements, you do not think that there is a population on the western coast of Ireland which would furnish seamen for deep sea fishing, but that the east countrymen, who are really fishermen, and who, as soon as the season for one description of fishing is out, would pursue another sort of fishing, would always come there?—Yes; I think that it would be a continuation of their fishing employment.

2103. Then why do they not do so now; the fish are there?—The fish are there, certainly. I do not think that they have the class of boat which would be fit for it at present.

2104. I do not see how they are to get any return for the superior class of boat which you fancy they ought to have. If there was *primâ facie* evidence of a sufficient return, there are surely plenty of men about Howth and that part of the coast, who would combine together, and build that class of boat?—There are not. The fishery in that district is in its infancy; I do not think that the trawlers would take their boats from the trawling, having the supply of the Dublin Market. The first step which has been made in the improvement of the fisheries, has been at Howth, in a better class of herring boat, and in a better class of nets, and they have even extended that so as to get another season; they have gone before the herring season to Kinsale and that district, in order to get into the mackerel season; and the fishery after being dormant for a quarter of a century, is just creeping into existence; and after some few years, I dare say that speculators would do it, and so it would creep round by degrees, and they would get on their legs.

2105. Mr. *Cooper.*] At the same time they would find a good many local fishermen?—Yes.

2106. The skilled men would be the crew, who came from the eastern coast in the boat?—Yes; and they would require to teach the others very little; they are nearly all fishermen on the western coast.

2107. Sir *Henry Winston Barron.*] Do you wish to interfere with the trawlers outside the 10-fathom line?—I would not interfere with them there. There is one general idea, of course, which every sporting man especially will enter into, namely, that of saving the breeding fish and the spawn, from which the fisheries are derived; but I think that at the breeding season those fish would come inside the 10-fathom line.

2108. What is the period when cod is in best season on the coast of Ireland?—In the winter, in November, December, and January.

2109. Directly the contrary was stated by another witness whom we had before us?—I think that all fish are in their prime before their maturity gets too far advanced, and when they are first impregnated with spawn. My idea was, first of all, that that was not the case, and that fish were in their prime when they are clear of their spawn; but a Scotch curer at Howth showed me the Crown brand herrings, and that when you touch them, they are so full of spawn that it almost comes out after the incision of the knife is made, and that they are then in their prime both in flesh and in roe.

2110. Lord *Claud John Hamilton.*] Would you admit small trawls as well as large ones within the 10-fathom line?—A small trawl is very light.

2111. Do you not consider that a small trawl injures the spawn which would be lying on the shallow ground, in the same way as a large one?—It would injure it to a certain extent, but not to the same extent. Of course the span of a small trawl is very light, and not more than about 12 feet.

2112. Therefore you would not include it in your prohibition?—I would. I think that those trawls must kill an immensity of small fish which they would take up.

2113. With respect to the decrease of fish in Dublin Bay of late years, do you consider that the increase of steamboats in the last few years has had something to do with it?—It might affect it in a small way; but the steamers keep the channel of the river, and they go right out to sea; they do not work through the bay. I fancy that the fish disturbed by the steamers would avoid the course of the steamers, which is always the same course down the channel of the river.

2114. Mr. *Shaw Lefevre.*] How would you enforce a 10-fathom line?—The 10-fathom line takes in the headlands on the eastern coast; it begins off Killiney, and runs off Howth, and eastward of Lambay: it passes the Skerries Islands, and on to Clogher Head, and across to the mouth of the Carlingford Lough.

2115. The 10-fathom line on the eastern coast would very nearly coincide with the prohibitions now existing?—Yes, the prohibition is rather that of a 9-fathom line.

2116. Taking the bays on the western coast and the southern coast of Ireland, how would you enforce the prohibition within a 10-fathom line?—You would have to go from headland to headland in the same way.

2117. Take Galway Bay; there is a vast portion of that water where the depth is more than 10 fathoms, is there not?—Precisely so. The French have gone upon another plan; they have made a prohibition within three miles of the coast.

2118. How would you enforce the prohibition of trawling within a 10-fathom line in the case of a very deep and large bay, such as Dingle, Galway, and Bantry?—The 10-fathom line could not exist where the deep water is.

2119. How would you enforce the prohibition where there is no headland which you can take as a guide?—In those bays the 10-fathom line is not there. There are certain banks which I would certainly spare, where there was a small colony of breeding fish.

2120. Then you would permit trawling within the deep bays, such as Galway, and Bantry, and Dingle?—Yes; I do not think that it does the same harm there.

2121. Are you aware that great difficulty has been already found in carrying out those prohibitions and restrictions on the eastern coast of Ireland?—I am not aware of it. It is only just a dispute

dispute between the trawlers and the line fishermen. The trawlers number about 4,000, and the line fishermen nearly 40,000. The line fishermen cannot fish with the trawlers. I have two letters here, in one of which, from the harbour master of Howth, he gives an account of 158 *l.* worth of line having been carried away by trawlers.

2122. Are you not aware that on the eastern coast of Ireland great complaints are made, that the prohibitions already existing are not carried out?—The revenue police do carry them out, but the fishermen themselves carry them out, they board the boats, and trawlers are summoned; they were summoned at the last sessions to the Kingstown Petty Sessions, and were fined in 2 *l.* or 3 *l.*, which was a mere bagatelle to them.

2123. In your opinion, have these prohibitions been practically carried out, or not?—I think that they have been carried out to a very great extent. The coast guard have directions to do so, and I know several cases in which trawlers have been summoned to the petty sessions for breaking through that rule.

2124. For instance, has the prohibition been carried out in Dublin Bay?—Very generally.

2125. And notwithstanding that, you say that the decline of fish has continued?—The decline of certain fish. Haddock and cod, and some other fish; but haddock especially.

2126. To what do you attribute that decline of fish?—I attribute it to the destruction of the spawn.

2127. Not in Dublin Bay itself?—There is a very great supply of fish in Dublin Bay. The whole of the yachtsmen, and local fishermen who supply the whole of that neighbourhood with fish, are long-line fishermen, but as soon as a trawler comes across them their lines are carried away.

2128. That is independent of a falling off of fish. In your opinion, has there been a falling off or an increase of fish in Dublin Bay?—I do not think that the falling off has been very great in Dublin Bay, or it would not supply what it does, but off the coast the fish has fallen off to a very great extent. I do not think that there is now one-fourth that amount of fish there which there was formerly.

2129. Then, in your opinion, the prohibition of trawling in these shallow waters has not been of much use?—I think that it has been of every use, for the line fishermen could not otherwise have existed, and would have been in the poor-house. The trawlers have attempted to fish the bay, but they do not fish the bay; they are brought before the magistrate and fined; they have not been able to get well into the bay, and to root up the whole bottom of the bay.

2130. I understood you to say that the prohibitions, on the whole, had been effectually carried out on the eastern coast?—I consider that they have to a great extent.

2131. Are you of opinion that the haddock, and that description of fish, spawn in shallow water?—I think that the cod do spawn in shallow water, from having seen them caught upon long lines in Dundalk Bay. I have seen them caught in pretty shoal water there; but the haddock, in my opinion, rather spawns outside, in strong sandy or gravelly ground.

2132. Mr. *Herbert.*] From your practical experience, can you state whether the flat fish, as a whole, do not bury themselves in the sand, and remain with their heads out of it?—They do bury themselves in the sand, and I think that that is the way in which they escape their enemies. I think that the sand is the covert of the fish. The razor fish go down to escape their enemies; the cockles go under the sand as soon as the water leaves them.

2133. I am speaking of flat fish?—Yes; they bury themselves in the sand; I have repeatedly seen them do so.

2134. Is it not considered one of the advantages of the trawl that it roots out these fish as it goes along?—The trawl rope is a heavy rope and it disturbs the fish, and the fish springs up and drops into the net, and is carried on with the net.

2135. You have stated that the trawl does go into the ground?—That is the end of the trawl net; it comes with a weight upon it harrowing up the ground after it.

2136. *Chairman.*] Do you consider that the administration and inspection of the fisheries in Ireland have been carried on as vigorously by the Board of Works as would be desirable?—I do not; I think that they have been almost dormant. There is but one inspector, and whenever complaints have been made to him he has gone and has held inquiries; the staff is very small.

2137. Do you consider that an increase of inspectors would be desirable?—I consider that the fisheries cannot be carried on without a proper staff.

2138. Do you consider that it would be desirable to combine in one Board, the inland and the coast fisheries of Ireland, and to have a Board formed for that express purpose?—I think so; I think that there is not sufficient employment for the inland fisheries, and that everything could be managed very easily by the same Board.

2139. You think a combination in one Board desirable?—I think it essential; I think that the Sea Fishery Commissioners might oppose the restriction of two bag nets for salmon at the headlands, and that the other Board might insist upon that restriction being carried out.

2140. Considering the heavy duties which the Board of Works have to perform, do you not think that it would be desirable, for the sake of the fisheries, that they should be relieved of the duty of their government?—I think so; I think that the Fishery Board should be composed of practical fishermen who understood every particle of the business, and made themselves acquainted with anything about which there was a dispute, and I think that it should be a Board by itself. The duties of the Board of Works are very different from the duties connected with the fisheries.

2141. In reply to an Honourable Member, you stated that you thought that the object of the Bill which we are now considering, was nearly altogether to encourage the small fishermen round the coast?—The coast population.

2142. Have you read the clauses in the Bill with regard to loans?—I have.

2143. Do you observe that power is given upon approved security to advance sums as high as 1,500 *l.* for the purchase of boats and gear?—I have not observed that.

2144. A loan of that sort would be calculated to encourage the formation of small companies for the purpose, would it not?—I think that it would be of great use.

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2145. Would not a loan of that kind be calculated to tend to the formation of a small company?—Certainly.

2146. So that the Bill goes further than to help individual fishermen, as you supposed?—Yes.

2147. Do you suppose that the fisheries of Ireland would be better carried on by small companies than by large ones, say small companies with a capital not exceeding 5,000 *l.*, and worked by practical men who would look after the things, rather than by large companies who have been occasionally in operation, and where 20,000 *l.* and 30,000 *l.*, and 40,000 *l.* have been invested?—I am certain that the fisheries cannot be more beneficially carried on than by small companies of practical men, with assistance from the Government, and that they would be a success in every instance. The large companies have not been successful.

2148. Is it not the fact that every large company which has been tried in Ireland has been a considerable failure?—It has been a considerable failure.

2149. Lord *Dunkellin.*] I gather from the evidence which you have given, that you are of opinion that the supply of fish is upon the decrease?—Yes.

2150. Does that apply to the whole of Ireland, or only to Dublin Bay?—I spoke of the Irish Sea.

2151. On the eastern coast?—Yes.

2152. You were not talking of the western coast?—No.

2153. On what do you found that belief?—From the quantity of fish which I have seen brought in by the boats. I remember that when I was a very young boy, the trawlers brought in very large quantities of fish, which was carried from Clogher Head up to Dublin. In the course of the last eight or ten years I know that they have not caught as much fish in two or three days as they used at one time to catch in one day trawling for 6 hours.

2154. Has that decrease been going on for some time?—I think it has, to a considerable extent.

2155. When you were a boy, there were a great many more fish than there are now?—Yes.

2156. The number of men and of boats employed in fishing has considerably decreased in the last 20 years?—Along the coast it has decreased very much.

2157. Do you not think that that has had something to do with the smallness of the supply of fish?—I do not, for the fishing boats of Dublin Bay, the trawlers there do amply the work which was done by the trawlers in old times. The men now look to supplying their own locality, and they can do that by long lines.

2158. Is it not the case that in most of the localities the fish which is taken is immediately sent up to Dublin; is it not the fact, that the most difficult place in Ireland to get fish is on the sea coast?—That is very true. I do not think that they send it even from Dundalk to Dublin, or from Drogheda, except during the herring season. They send it off by the railway to the different country houses and the towns. They supply the towns at a very moderate rate, much cheaper than before.

2159. Twenty years ago many more people were employed in fishing, and the population of Ireland was much denser than it is now?—Yes, much.

2160. There was less employment?—Yes.

2161. Provisions were much cheaper?—Yes, provisions were very much cheaper before the famine.

2162. Do you think that many men then went to fishing who are now permanently employed in agricultural pursuits?—Yes, the wages are better and the demand for labour is much greater.

2163. Therefore, a man has not the same inducement now to go to sea for his livelihood, he can get work inland?—The profits to be made on the sea are usually very great, the herring fishery has opened that up.

2164. That is only for a time?—Yes; for the season.

2165. That is only for a few months?—That is all.

2166. A great many more people are permanently employed on the land, and get a better living, and they have not the same inducement to get their livelihood by the sea as there was when the population was thicker, and when wages were less, is not that the case?—Yes, to a certain extent. Those fishermen were very handy fellows, and they turned their hands to anything inland.

2167. If there was a demand for them?—Yes.

2168. The Chairman has talked to you of a Company. In order to make the sea as productive as it was before, and to enable those sort of people to gain the same amount of subsistance, you must give some inducement to them to go to sea?—Yes.

2169. Do you think that these small companies would offer sufficient inducements to take people to sea?—Yes; because I think that those small companies would supply the fishermen with a better class of boat; the company might give them no wages, but they would have a share of the fish dependent upon their own exertions, and say 5 per cent., or something of that sort; and when these men had a better class of boat, and were comfortably found, I think that they would work up the western coast fishery to as great an extent as it ever was done.

2170. Then what keeps the people now from doing it is the want of proper tackle and boats?—Precisely so.

2171. What is the custom now with regard to paying fishermen?—The general thing is for the men to have shares; but the fishermen prefer having a certain pay which they can depend upon, and a moderate share, not so much as in old times.

2172. It is very often said that a great inducement to fishermen to go out would be to embark with a man who would give them a certain proportion of the profit, and that thereby they would take an interest in the venture, and would be better satisfied with that than with any other mode of payment; is that your opinion?—That has been the old system, but at the same time I have seen them when their share has come to a very moderate thing indeed. The other day, I saw nets fishing at the mouth of the Liffey for salmon, and sometimes they go a day without taking a single fish.

2173. Does the same principle obtain there as in the deep-sea fishing?—Yes, the system of shares.

2174. On the whole, should you say that the system of shares was one which was preferred by the common sailors, or would they prefer the system of regular pay by the job?—I have just been

been reading a sea-fishery report of Mr. Stopford's; it was one of the most successful things that could be under Mr. Stopford's management; he paid, I think, 10*s.* a week to his seamen, and 15*s.* to his skippers, and he gave them 5 per cent. upon the profits besides; that enabled the men to leave a provision for their families at home, and to work as hard as they could in order to increase the shares afterwards.

2175. Do you think that it would be desirable in this Bill to endeavour to deal with that contract between man and man, or would you leave it to custom?—I think that I would leave it to custom; if a heavy fishing was going on, the men would take shares.

2176. They would like always to win?—Precisely so, to a certain extent, to be safe from loss.

2177. Then you would leave the matter as it is?—I should say so.

2178. But you think that Mr. Stopford's plan of giving a certain sum for the job and a certain interest in the voyage, is a desirable one?—He told me that it was the most beneficial way to all hands, both to him and to the men.

2179. Does this system obtain in all sorts of boats; in the long-line fishing boats, how many men are there?—There are 10 men in the boat.

2180. In a trawling boat, how many are there?—Three men and a boy; there are generally four in a trawling boat; it depends upon the weight of the net and beam.

2181. And the same principle obtains in both boats; there is no distinction in the payment?—The long-line fishermen are all on shares; every man supplies his own lines with so many score of hooks to each line, and then as soon as the fish are all brought on shore they never look to the lines, but they divide the fish equally amongst the whole.

2182. Not equally; the skipper, I suppose, gets two shares?—I do not know that he does; he, perhaps, gets two shares if he owns the boat.

2183. With respect to trawling, do you think that, taking the whole coast of Ireland, the present restrictions and rules as to trawling are fair and equitable, or that they are rather severe?—I think them fair on the eastern coast; they are both fair, and very requisite. The other day, I had a letter from Captain Busney, the harbour master at Howth; he gives me a list of the men and the boats, and the numbers of lines, and the value of the lines carried away by the trawls; the value of the lines amounts to 159 *l.* and the number of men who suffered from this loss was 200 or 300, who were depending entirely upon that mode of fishing.

2184. Were the lines taken away on account of the trawl coming within the prescribed limits, or had these lines gone outside into the open sea?—I dare say that the line fishermen do fish outside in the open sea, but as the trawlers have the whole ground it is expected they will avoid the lines; there is an idea that it is a great object with the trawlers to break down the long line fishermen, and to keep the market for themselves, but I do not think that their masters would countenance a thing of the sort.

2185. Mr. *Cooper.*] But do not they catch totally different fish; does not one catch the round fish, and the other in the greater part the flat fish?—Yes, but at the same time the long line fisherman do catch some flat fish.

2186. Lord *Dunkellin.*] Is it not supposed to be the rule that if a trawling boat comes near a long-line fishing boat, it should keep out of the way?—They would be at the trouble of taking up their trawl to do it, and they must drift there.

2187. But, as a rule, they ought to keep out of the way?—I think that they ought to keep off that ground.

2188. You would impose no fresh restriction?—I think not; the restriction, as regards the herrings, I think most indispensable, that a trawler should not be allowed nearer than three miles to the herring bed, for if they drift upon it they must carry away the herring net, and it is a net of very great value compared to the net of a trawl.

2189. Then would you have that restriction enforced in all the seas round the island; herrings are a migratory fish; they may be here to-day and there to-morrow; would you have it as a standing rule?—I think that I would for the herring fishery, for the time is of much greater value than the trawl fishery, and it lasts a very short time.

2190. The herring fishing is merely for two months or so?—Yes.

2191. The trawling goes on the whole year round?—Yes.

2192. Do you know anything of the trawling on the western coast of Ireland?—No.

2193. General *Dunne.*] Did you ever see any foreign boats on the Irish coast?—I have seen French luggers which have come over for oyster fishing.

2194. Would you encourage the French to come over?—What do they give in return for it? Nothing.

2195. In a convention with France would you consider that we were very foolish to allow French fishermen to come over and to compete with the Irish fishermen?—Certainly. The French fisherman has no interest in sparing the fish, but would carry everything before him.

2196. And therefore it would be very unadvisable to increase the facilities for French fishermen coming over to the Irish coast?—Certainly.

2197. Can the Irish fishermen get any possible return for conceding that power?—I think not.

2198. You consider that it would be a positive injury to the Irish interests if such concessions were made in any convention?—I certainly do; it would be a one-sided agreement; no Irish boats could go over to the coast of France to fish, and the French boats would come over to Ireland.

2199. Are you aware of the terms of the convention which has existed hitherto between France and England?—I have a general idea of it.

2200. Are you aware that there is no power to go on the Atlantic side of Ireland?—Yes.

2201. Your opinion is that any concession of that sort would be injurious to Ireland?—Yes, the French could give no equivalent for it in any way.

2202. Mr. *Cooper.*] Do you think that the fish spawn on their feeding grounds?—I think that they occasionally do so. They would not avoid the feeding ground if it was a proper spawning ground.

2203. Lord *Dunkellin.*] You have spoken of a 10-fathom line, do you think that a 10-fathom line, is a proper line to draw all round the island,

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or would you modify it in certain places. For instance, on the western coast would you make the boundary the same as on the other coast, or would you draw your limit according to circumstances?—Upon the western coast the 10-fathom line would be immediately on shore, the water being so deep.

2204. In the estuaries and bays of the western coast, Galway Bay for instance, would you allow any trawling at all, or would you have a limit?—I certainly would have it limited.

2205. Would you limit it to a 10-fathom line, or would you draw the limit according to circumstances?—I would draw it from headland to headland; they have the whole ground to fish over, and I would give the long-line fishermen power to fish the coast, I would give them a certain small space to fish in.

Mr. JOHN GOOD, called in; and Examined.

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2206. *Chairman.*] YOU are the owner of several trawl boats going out of the Port of Dublin?—Yes.

2207. I believe that you are the largest proprietor of trawl boats in Ireland?—Yes.

2208. How many have you?—Eleven; I have had 13 or 14; I buy and sell; they increase and decrease in number with me.

2209. What is the largest sized trawl boat which you have?—About 70 tons.

2210. And what is the smallest?—50 or 55 tons.

2211. You are a ship-builder and a sailmaker?—Yes; I endeavour to manufacture almost everything which we consume ourselves in our fishing business.

2212. You build vessels for sale as well?—I do.

2213. How much per ton can a trawler with her equipment and sails be made for?—About 10 *l.* per ton for the hull.

2214. For her equipment, and sails, and ropes, how much more?—The sails and ropes would cost about 2 *l.* or 2 *l.* 5 *s.* a ton.

2215. You could send a trawler afloat for about 12 *l.* a ton?—Yes.

2216. For a 50 ton trawler what is the cost of the fishing gear?—At the present price of the rope and nets, and the trawl warps, about 70 *l.*

2217. As the tonnage of the vessel goes up, the cost of the gear increases in proportion?—It does.

2218. Upon what part of the coast of Ireland are your operations usually carried on?—Always on the eastern coast.

2219. Will you point out upon the map the parts of the eastern coast which you trawl?—(*The witness did so*). We commence about January or February to fish the Mountain's Foot ground, we leave that and come to fish the Isle of Man ground; we fish that from March up to the latter part of June; we come from that to the deep-water ground, coming still more south, that is Lambay Deep; that is about midway between Lambay and the Isle of Man ground. We fish that from about the middle of July until the latter part of September, or sometimes into October. We come from that again more in shore, and we fish the Rochmy ground; we then come in and fish a little off a ground outside Howth, and we fish a little outside the Kish Bank, and we go from that and fish off Waterford.

2220. In what month is that?—In December and January. There is generally a division; we sometimes fish in a very large piece of ground called Skerries Bay.

2221. For how many years has your fleet of trawlers been trawling off the eastern coast?—Rather better than 37 years.

2222. During that time do you consider that the fish have considerably decreased upon that coast?—They have not.

2223. Did you hear Captain Brabazon's evidence?—I did.

2224. Do you consider that Captain Brabazon was correct in stating that the amount of fish upon the eastern coast, decreased in some years to one-fourth of what it was?—I am sure that he was not correct.

2225. Has it decreased at all?—A very little; it decreases and increases; I can recollect more than 20 years ago or 30 years ago, when we were apprehensive that there was likely to be a decrease, it afterwards became more abundant than ever I recollect it.

2226. Excluding herrings altogether?—I am excluding herrings altogether.

2227. Excluding herrings, is the entire capture of fish upon the eastern coast as large now as it ever was?—I think that it is; at present it is.

228. Your boats trawl over the ground on which the herrings upon the eastern coast are most largely captured?—What we term Lambay Deep, about 20 miles east by south from Lambay, is the great resort of what they term the summer herrings, when the herrings are in the best possible condition. We trawl there from sunrise till sunset; the herring boats set their nets from sunset till sunrise in the morning again, and as the herrings approach the shore afterwards, the trawlers also fish nearer shore; that is in the winter-time.

2229. Has there been a considerable increase in the capture of herrings in the last few years?—A very large increase.

2230. What species of fish has decreased on the eastern coast?—Only the haddock.

2231. Has there been an increase of other fish?—We are now fishing off the Isle of Man ground, and we have got as many soles there this season as were got 40 years ago. Haddock have disappeared *in toto* for some few years.

2232. Captain Brabazon said that there has been a decrease on the eastern coast in the number of men and boats employed; is that the fact?—Yes; to a certain extent the Skerries men have almost given up fishing altogether, that is, in the north-west fishing, and they have given up trawling. The Rush men sometimes trawl a little, and they are the only people who go round to the north-western coast.

2233. Has there been an increase of trawlers like yourselves?—Yes. We have changed our entire fleet of Dublin boats three times to my own knowledge.

2234. Is the tonnage of boats employed on the eastern coast larger or smaller than it was 20 years ago?—The vessels which we now work are nearly twice as large as they were then.

2235. The tonnage has increased?—Yes.

2236. In every bay on the eastern coast where trawling

trawling could be carried on, I believe that there is a prohibition against it?—Yes.

2237. Do you find that very injurious in your fishing operations?—It is rather inconvenient to us.

2238. What inconvenience arises by reason of that prohibition?—In winter-time, when we are fishing close home, that is to say, outside the Kish Bank, we are subject to very violent gales of southerly wind, and if we could even tow our net into Dublin Bay for shelter, and heaving up under the land, it would be a very great advantage to us. Some of the vessels come home with the fish, and it is sent by rail from Waterford, and they are anxious to get back again to the Sattee ground to fish, and they probably wait a week or ten days in these strong gales, and they cannot get down. It would be an advantage in the months of November and December, if we had the liberty of fishing in Dublin Bay; it would add very considerably to the amount of fish taken, and I do not think that it would do any injury to anyone.

2239. Are there times when you cannot proceed to sea, but when you might capture fish in the bays and estuaries where those prohibitions exist?—No doubt of it. A very large increase in the food of the people could be captured there, which now just goes to waste.

2240. At certain times do not fish come into the bays for protection from storms, as well as in pursuit of fry, which fish might be captured by trawlers?—Yes.

2241. And which are not captured by hand-line fishermen?—They are not, only the smaller kinds of them.

2242. Do you consider that without injury to the fisheries, a larger quantity of fish might be supplied to the consumer if those prohibitions did not exist in the bays and estuaries?—Yes.

2243. Have you ever been on board a vessel trawling?—Yes.

2244. Did you ever take up any quantity of spawn in your nets?—I never saw anything which we should consider spawn proper, that is to say, the spawn of any edible fish, namely, either round or flat fish. We repeatedly take up the spawn of the cuttle and the squid: the local name of the first is "bunches of grapes," it is quite the shape and colour of a grape, and the other they call sculch, or a "pound of candles," a great many are attached to a stem, and they are about the length and size of a pound of candles. I gave the spawn to a naturalist in Dublin, I gave it to Dr. Wright and Dr. Robert Macdonald; they examined it under a miscroscope, and they found the young cuttle perfectly developed. I believe that Dr. Macdonald hatched it in a tank.

2245. Before the prohibition of trawling in the bays, did you fish there?—Yes, in Dublin Bay.

2246. Did your boats ever take up spawn there?—Never.

2247. Did you fish in any other bays where the prohibition exists on any part of the coast of Ireland?—Not that I am aware of. We have often fished in Wexford Bay, which was never prohibited.

2248. Did you ever take up spawn there?—Never.

2249. In your opinion, where do the fish usually spawn?—I think in tolerable patches of clean ground, between the rough ground and rocks.

2250. Could trawlers, even in bays and estuaries, trawl where fish spawn?—No.

2251. You heard Captain Brabazon state that the weight of the trawl is considerably increased by the portions of rock taken up, do you think that that is the case?—We occasionally catch a boulder, but not very often, it is quite enough to get it up, and not to work it.

2252. Do your trawlers tear up the ground?—I imagine not more than a carriage does on a high road.

2253. Will you take this model of a trawl, which is one of your own making, and describe to the Committee how it works?—(*The Witness explained the model*). Forty-four feet is the breadth of beam, and the length is 80 feet. The bridles are 36 fathoms long, and the trawl warp is 150 fathoms long. As a general rule, the length of rope is three times the depth of the water; in strong weather we give a little more rope. We often find that the only part of the trawl heads which touches the ground is that portion of the trawl heads to which the foot rope is attached.

2254. What is the breadth of those irons?—Five inches.

2255. Is the foot rope of a character which tears up the ground?—Certainly not; it is large and is rounded. We never catch sand or mud, as has been represented, unless the vessel almost stops, when the wind drops, and we go too easy to keep the net fully spread; but it is in soft ground that the meshes of the belly take up sand, and then immediately the vessel ceases to tow.

2256. Captain Brabazon stated that the purse goes very violently along the ground, and tears up the ground; is that the case?—This cannot be the case, as the more fish that is in the net, the more buoyant it passes over the bottom. Whenever it comes to the surface of the water it floats of its own accord. In very coarse ground, the ground on which oysters and various matters are at the bottom, we get a little chafed. In the lower part, in case of catching a stone, we have rubbing pieces just to prevent a stone, or anything else, getting through the net.

2257. Is it your opinion that the trawl would be destroyed if it went over ground where fish spawn?—It could not go half its own length. At the early part of the fishing season, we get the fish on the northern edge of the Isle of Man ground, and as soon as the fish want to spawn, they go into what we call the "bring ups," where there is almost a subterranean forest of cement.

2258. Do you ever trawl upon the western coast of Ireland?—Yes.

2259. Upon what portions of the western coast?—Dingle Bay and Galway Bay have been our head quarters for trawling.

2260. The outside portions of Dingle Bay?—Yes.

2261. Do you remember when the restrictions were removed from Dingle Bay?—Yes.

2262. Since then there has been a large increase in the capture of fish there, has there not?—Yes.

2263. Do you consider that the restrictions in Galway Bay are such as to prevent the very large capture which might otherwise take place?—I do.

2264. Along that western coast, are there not great shoals of fish under certain circumstances?—No doubt of it.

2265. Are not the greater portions of those shoals not captured by reason of those restrictions?—In November and December a great deal of the fish is between the boundary line and the

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town of Galway. There is no trawling ground anywhere on the coast from Clew Bay to the Cape, except within the headlands, and if trawling is prohibited in the bays, you lose the entire product of flat fish on the whole of that coast.

2266. Is much of that kind of fish which is not captured by trawling in Galway Bay, captured by the line fishermen?—None whatever.

2267. The same remark with regard to shoals of fish making for that bay under certain circumstances, I presume, is applicable to other bays?—All along the bays on the western coast. With some winds the bays are filled with fish; and with other winds, they are clear of fish. In the spring of the year, the fish all come into the bay, and it would be the best harvest if we were allowed to fish in Galway Bay. We have only been driven out by the violence of the Cloddagh men; there is no law which has sent us out further than that boundary line.

2268. You consider that the fishery might be carried on there without injury to the spawn?—Yes, I am quite certain of it. The largest and finest fish which have been taken, have been taken by trawling.

2269. Off the coast of Galway, beyond the Arran Islands, could not a very extensive system of hook and line fishing be carried on?—Yes, without doubt.

2270. Was not it formerly extensively carried on by the Skerries men?—Yes; between the Skerries and the Rush and the Howth men, about 120 or 130 boats went there during the time of the bounty.

2271. What was the average tonnage of those boats?—Forty-five or 50 tons.

2272. How many go there now from those places?—Five or six from Rush, and not one from Skerries.

2273. Do you think that boats of a good tonnage, say 50 or 60 tons, could proceed off the coast of Galway, and hook fish advantageously off the coast there?—I am sure of it.

2274. How many miles from land?—They go round in the month of May, and catch a large quantity of cod and ling close to the shore, and as the season advances the fish lie off from the shore.

2275. What is the greatest distance that they should go from the Galway coast to fish with hooks and lines?—From the coast of Donegal hook fishermen have gone 30 miles.

2276. How far should they go in order to fish off that coast successfully with long lines?—It is according to the time of the year.

2277. Take the longest distance at any time?—Probably 20 miles.

2278. From the coast of Galway?—Yes.

2279. And they have gone that distance?—They have.

2280. At the time that the fishery by the Skerries men was so successfully carried on, is it not the fact that the people along the Galway and the Mayo coast never engaged in it at all?—They never did, except close in to the shore.

2281. Did the people employ themselves in assisting those men with their boats?—Yes, a number of the farmers assisted them; and the fishermen gave them the fish which they did not cure.

2282. I believe that the distance is sometimes six miles for which a long line is anchored from the boat itself?—A proper set of lines to work that coast should be six miles in one length.

2283. What would be the cost of it?—Each man's fit-out would be about 30 *s.*, and if the crew consisted of 10, it would be about 15 *l.*; 15 *l.* would supply the lines and the hooks.

2284. Would 15 *l.* supply a six-miles' length of line with all its hooking attached?—It would.

2285. Do you think that if the people there had a better class of boats than they have, they might advantageously follow the fishing which you describe?—I do not believe that any vessels smaller than the vessels which used to work there could work off the coast.

2286. But vessels of that character could do so?—Yes.

2287. Would there be a large employment off the Galway coast for those boats?—Yes; the quantity of fish there is unlimited; that is to say, cod and ling, for long lines particularly. I know every one of those Skerries men; they went for two seasons to Iceland, and they declare that the fish are more abundant and more profitable off the coast of Donegal than they were at Iceland.

2288. Is not the number of the Claddagh men considerably reduced, compared with what it was?—Yes.

2289. Have they not had it their own way in the greater part of Galway Bay as regards trawling?—Yes, there has been no trawling for four years, until the last spring. Three new boats have been sent there by some native gentry, and they, I believe, have been working without opposition.

2290. With the prohibition of trawling, has the condition of the Claddagh men improved, or otherwise?—They have almost disappeared since the trawling ceased.

2291. Could not those men, if enabled to do so, prosecute the fishery which you describe?—They could assist. I do not think that they would be quite fishermen enough to do it entirely; they could form a large proportion of the crews of those boats.

2292. Is there any other portion off the coast of Ireland where the deep sea fishing could be carried on?—Yes. The Skerries men went round to Bear Haven in considerable quantity for many years; and a resident landed proprietor, the father of the present Mr. Pucksley, used every inducement in his power to get the Skerries men to settle there, for the sake of working the long lines, as they worked them so successfully, while the shore men could make no hand of it.

2293. Do you know many other productive fishing grounds in Ireland which are not worked now, but which might be worked?—The whole western coast of Ireland is a perfect blank at present.

2294. But only for hook-line fishing, excepting in the bays?—Yes; we have fished outside the Arran Islands; there is a patch there, 13 or 14 miles off, which can be very well trawled. We have fished there in a very nice depth of water for trawling; that is to say, about 40 fathoms, with abundance of fish, but can only be worked for about two months of the summer.

2295. Is not the Nymph Bank, off the Waterford coast, a highly productive bank?—That is also fished by the Rush men in summer with long lines for cod, ling, and conger, which they cure on board; but, comparatively, there is no fishing there.

2296. You consider that the fishing coasts of Ireland are not availed of to the extent as they might be?—There is no doubt of it.

2297. With regard to the hook-line fishermen,

do

do the trawlers frequently come into collision with them, and carry off their hooks?—Some 25 years ago it used to be the cause of great complaint. I have not heard of a complaint, save in one solitary instance, for the last 25 years.

2298. If the hook-lines are properly buoyed, is it not quite in the power of the trawlers to avoid them?—They have worked for many years together in a friendly manner, and they have done so. I believe that a trawler can cross a long line at right angles, and only take off one hook, and it is usual to give the trawl more way. As regards matters of complaint, in the case of cod lines in winter time, worked off Lambay and northwards, the hook men very often shoot those lines at night, and go off to bed, and of course the trawlers going along very frequently fish them up, but then they are always handed back, or given up to the nearest coast-guard station.

2299. Are there not a vast number of places where long-line fishing can be carried on, where trawlers cannot work at all?—Of course there is an enormous district where the whole bottom is one mass of boulders, and that is exclusively worked by long line.

2300. Do you find that the trawlers interfere injuriously with the herring fishery?—They do not.

2301. From your knowledge of the coast population of Ireland, is there not a very considerable decrease in the fishing population?—There is.

2302. Have not a great number of the people been obliged to give up fishing operations by reason of the poverty consequent on the famine?—I believe that that has been the main cause.

2303. And are there not a great number of people on the coast who might successfully follow fishery pursuits if they were able to do so by being provided with boats and gear?—I have no doubt that they might. There is a class of men who I think should be encouraged. There was a corporation of hooking men at Kinsale almost similar to the Claddagh men, and those men thought that they had a vested right in the whole coast, and that none of the men like small farmers or farm labourers had any right to fish, but that the whole of the fish of the coast should be caught by them, and cured and sold by them exclusively.

2304. Are there not several places in Ireland where fishing operations might be successfully carried on by small companies, the capital being owned and worked by practical men?—I have no faith in any sort of companies.

2305. I mean small companies such as your own, worked by practical men?—There is no doubt in the world that fishing cannot be worked successfully in any other way.

2306. Do you think that that mode of carrying on the fisheries would be likely to be successful?—The only way in which I think that the fisheries can be carried on, is that the boat and nets should belong to the crew themselves; one man may own the boat, and half-a-dozen men may be in partnership with him for the nets; or a man ashore having the means may own one small share in half-a-dozen boats; but if he does, he must have as partners honest, practical, hard-working fishermen; a man giving as a help a part of a boat to a lazy man will not make an industrious man of him.

2307. Would it be desirable to encourage small enterprises such as you now describe to carry on fishing?—It would.

2308. Has not every one of the large fishing enterprises which have been attempted in Ireland with large capital turned out to be a failure?—Every one of them.

2309. Do you think that enterprises in which many thousands of pounds are involved, with a paid chairman, and directors, and a secretary, can succeed in Ireland?—No; it is impossible.

2310. Did you ever know one such enterprise succeed?—Never.

2311. There is a portion of your boats, I believe, entirely owned by yourself?—Yes.

2312. And there is a portion in which you have partners?—Yes; I have four partners, in fact.

2313. Have you any objection to state what your profits are?—Not at all.

2314. As regards the boats which you entirely own yourself, taking the largest boat which you have, after paying all the expenses, and allowing for the deterioration of the boat, and for wear and tear, what per-centage do you make per annum?—The very utmost is 8 per cent.; and that is for the best appointed and best found vessels in every respect, and with the best possible practical management.

2315. That is by looking closely after it?—By looking sharply after my own business, and paying cash for everything before I use it.

2316. Do you then think that there can be any truth in prospectuses which have been put out, representing that 20 and 30 per cent. can be made by the fisheries of Ireland?—I always look upon them as perfect and barefaced swindles.

2317. Is there any fishery where a company worked in the way which I have described, owned by distant proprietors and managed by paid officers, is likely to pay its expenses?—I am sure that there is not, for my experience is that the salary of the staff will come to vastly more than the legitimate profits of the boats, so that the shareholders can get nothing; they may subsist as long as the boats last, but there will be nothing to replace either the boats or the nets.

2318. There are four of your boats in which you share as a partner?—Yes.

2319. He is a practical man who looks after the arrival and departure of the boats, and the repair of nets, gear, and everything else, and who was at one time a fisherman himself?—Yes, that was the case up to, I believe, within the last two years.

2320. Are those boats more profitable to you than the other boats which you manage yourself, by reason of this person devoting his entire time to looking after them?—No doubt of it.

2321. Do you consider that those particular boats, so far as fishing and economy go, are worked as well as possible?—I am sure of it.

2322. What per-centage do you get out of those last boats?—About 10 per cent.

2323. If you had to pay salaries for management, could you get anything?—Not a farthing, even if I endeavoured to do so.

2324. Would the quantity of fish captured under such circumstances be likely to be as much?—Certainly not.

2325. Colonel *Annesley.*] In your opinion, taking the Bay of Dundrum, supposing it to be a place open to your trawl boats, what would be the effect on the interests of the coast fishermen who fish with long lines?—We, without doubt, would occasionally avail ourselves of it when fish were in the bay; and in coarse or strong weather we should occasionally go in there. I do not think

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think that it would injure them in the slightest degree.

2326. Captain Brabazon stated that that was a well-known bay for a very large quantity of turbot and flat fish?—Yes.

2327. Does not it stand to reason that if you went in there you would take those fish all away, if the prohibition was removed?—I think that a certain quantity of food is consumed by the fish, and as we thinned them off, others would take their place. Very few turbot or plaice are caught on those lines; they are exclusively caught by trawls.

2328. Do you think that it would be detrimental to the long-line fishermen, supposing that the prohibition upon trawling was taken away in all those restricted bays?—I do not think that it would.

2329. Colonel *Vandeleur.*] You have stated that you get 10 per cent. profit out of the fishing?—Yes, by the very best possible management.

2330. Do you put by a reserve fund in case of a boat being lost?—I consider that I have ample means to replace one if it is lost. In that amount I am probably making an allowance for deterioration. I consider that our vessels would be totally worn out in 25 years; that is to say, that a vessel which would cost me 800 *l.* or 1,000 *l.* would not be worth more than 250 *l.* at the end of that time. I would allow 20 *l.* a year for the depreciation of the hull; the materials we always keep in order at a cost of say 100 *l.* per annum per vessel.

2331. The depreciation of your boats is exclusive of the 10 per cent.?—The expense of the materials is defrayed before we have any profit; we keep the clear money between the earnings and the expenses.

2332. You do not insure?—No.

2333. Your boats, I suppose, are of 50 tons?—Yes.

2334. If a sum of money was lent to a man for the purpose of fitting out a boat, and if the boat was lost, and there was no reserve fund, and there was no insurance, what would be the result?—It would be a waste of money if it was expended in that way; no man should get a loan unless he was really a fisherman. I will state an instance in which I believe that loans may be judiciously laid out, though, on the whole, I am rather opposed to lending money to fishermen than otherwise; the instance to which I refer is this: I own half a vessel, which cost at her outset 950 *l.*; she was only about four months old when they got her ashore at the Point of Rush, and it was almost equal to a total loss; they ground out entirely one side of her bottom, they lost the nets, and the sails were almost destroyed; under the circumstances, I thought it my duty to raise the vessel again, and bring her home and get her repaired, and the raising and repairing of that vessel cost nearly as much as I could have built a new hull for. I was a partner in the case, and the man who was partner with me had no money to repair the vessel himself, and he would have been entirely ruined if the vessel had wholly belonged to him. Almost a similar case has occurred since with the same vessel, and I remember the remark of the committee who collected the money which enabled that man to get the half boat; they said that they thought it better to get him half a vessel with me than a whole vessel on his own hands; for they said that they joined him on to a man of means, and that if anything went wrong he could be floated again. If that man had been solely on his own account, he would, twice in my recollection, have lost his means of support. I would qualify the loan in this way, namely, that the fisherman who had the loan should have been once a boat-owner himself; that he had had energy to put a boat together; and that if, through sickness or ill-health, or the stranding of his vessel, or through unavoidable accident, his boat was damaged, I think that it would be a very discreet thing to grant that man a loan; but I would not grant loans generally to fishermen.

2335. You think, in fact, that the man should be an experienced fisherman, and should have some little means of his own?—Precisely so.

2336. You have said that you think that it would be a judicious arrangement to do away with all the bye-laws against trawling?—I do.

2337. As a trawl-owner, it would suit your purpose?—It would.

2338. What does the long-line fisherman say to it?—I do not think that it interferes with him in any way at all. The long-line men of any importance all fish out in the Irish Channel.

2339. In what depth of water do you fish?—The greatest depth of water in the Irish Channel is about 60 fathoms.

2340. What is the shallowest depth?—Ten fathoms.

2341. You never go inside the five-fathom line?—Of course we are not allowed to do so; but, with a vessel drawing two fathoms of water, I do not think that she could fish anywhere where she would do any harm, inasmuch as, at present, although it is quite illegal for one of our own large trawlers to fish in one of those prohibited districts, it is quite legal to shoot a seine in one of those places, and to sweep it in the whole bay, taking up the most minute matters. The sand-eel seines are woven to such a pitch that you could not get a pencil through them, and yet that is perfectly harmless; but you dare not come in with such trawlers as I have.

2342. What is the length of a sand-eel seine?—Four hundred or five hundred fathoms, and probably more.

2343. Have you ever seen a seine 500 fathoms long?—I have, and I have seen 700 *l.* worth of herrings taken in one haul in a seine; and I think that it would be highly wrong to prevent them. I would give everyone of that class liberty to fish as they thought proper, and I would allow the small trawlers to fish wherever they thought fit.

2344. The sand-eel can only be trawled where there is a sandy beach?—Yes, a shingly beach answers as well as a bay, I think.

2345. Lord *Dunkellin.*] You stated that a great deal of the fishery on the coast of Ireland (and you mentioned Galway Bay) was not more productive in consequence of the restriction upon trawlers?—Yes.

2346. What restriction is that?—There is an imaginary line across the bay, and they are not alowed to fish inside it.

2347. Will you tell us where the line goes?—(*The Witness pointed out the same.*) That is four or five miles inside Blackhead.

2348. And it goes across in a north-easterly direction?—Yes, obliquely across the bay.

2349. Do you know the bay?—I do.

2350. Do you know a place called Furbagh; do you know a bank called Marino?—No.

2351. But

2351. But still you are allowed to trawl there a part of the time; but you would have the restriction taken off?—I would. Wherever one of our vessels could fairly fish, that is to say, one of our large trawlers, I think that it should be allowed to fish.

2352. Would it be fair to the other boats to let the trawlers go up as high as that?—I do not think that it would interfere in any way with them unless they had herring nets set. The Claddagh men generally only work hand lines.

2353. Is there not a general feeling abroad that the trawling should be allowed only within certain limits?—I think that there is a great deal of that local jealousy.

2354. You do not think it necessary to protect any fishing interests?—I think not, unless it is oysters; I think that private oyster-beds should be protected, and public oyster-beds during the spawning season of the oysters.

2355. How long have you had trawling boats?—About 37 years.

2256. Do you find any difficulty now in manning them?—Yes, in the summer time.

2357. What is the difficulty?—The men go in herring boats, and the yachts are to a very great extent manned by them.

2358. It is not from the employment which they get on shore?—No, except that some few of them take to the salmon fishing. It is perfectly legal to haul salmon seines in Dublin Harbour, although trawling is prohibited in Dublin Harbour; and they haul a quantity of small flat fish on shore, and I do not complain of it.

2359. You say that your men are paid by shares?—The crews are paid by shares; they get half of what the vessel earns; but independently of that I have persons who own the vessels with me; men who go as masters. There are three men and a boy. The master gets a share and a half, which added to the boy's half share, would be two shares, and the other two men get a share each.

2360. On the western coast is any difficulty, or is much inconvenience, found from the want of piers and harbours to run into?—I do not know that it is; I never heard the Skerries men complain that there was not sufficient accommodation for the large vessels which go round there. They can only work about three months in the summer.

2361. The fishing vessels?—The ordinary-sized fishing vessels which would go there.

2362. Why cannot they work beyond three months?—Owing to the severity of the weather; the sea would be too heavy.

2363. If they had good harbours, might not they work independently of the weather?—No; the fish go too far off.

2364. Do you know Barna Pier?—Yes.

2265. With respect to the piers, do you not think that it would be an advantage for the fisheries in the different coves and harbours, if a sufficiency of piers were erected for the boats to run into?—I have not sufficient local knowledge to state.

2366. I mean generally?—In the large places like Dingle, Galway, and Donegal, I think that I have never heard any complaint of the want of harbours.

2367. You have been fishing there; do you not know that on that coast a great many of the men combine agriculture with fishing pursuits?—They do.

2368. It would be a convenience to those men if they had accommodation to go out when the weather was fine, and to run in and take their harbour if they wanted to come in?—No doubt about it.

2369. And you think that that would be a desirable object to carry out, of course under due restrictions?—Undoubtedly.

2370. Do you know the coast well enough to say whether it is not the case that there are a great many men there who, if they had these conveniences, would take to fishing, not altogether as their sole pursuit, but as a help to their agricultural pursuits?—Yes, I am sure that on the coast of the county of Cork the greater part of the fishing before the famine was carried on by those small farmers and farm labourers; and even at the present time some of the large seines which I have described are the property of small and middle-class farmers.

2371. I am speaking of men who go out in summer for fishing; they find it beneficial and productive?—No doubt of it.

2372. There is a great number of that class of men along the sea-board of Ireland?—Yes.

2373. The erection of piers, and facilities for getting shelter, would stimulate and increase them?—Without doubt.

2374. General *Dunne.*] I understood you to say that the spawn of cuttle-fish, and of other fish, were taken up?—Yes; no spawn of any edible fish.

2375. But the spawn of those fish which you have described?—Yes, they are deposited in soft mud.

2376. Is there any reason why the other spawn should not be taken up, if it was in the way?—Not the slightest reason; but I never found it in the way.

2377. Have you ever heard any complaint made during the last summer by the line fishermen?—I have not.

2378. Do you know Captain Hutchinson?—I do, very well.

2379. Supposing that he says that continual complaints are made of the trawlers in Dublin Bay, would you think him incorrect?—I think Captain Hutchinson to be a most respectable and truthful man.

2380. I have a letter from him, in which he says that great injury was done last winter by the trawlers to the line fishermen; there is a complaint also made of the trawlers in Lambay; are they not forbidden to trawl within certain limits in Dublin Bay?—They are forbidden to trawl within a line.

2381. Do they not do it sometimes?—I believe that there have been two or three instances in which they did it last winter.

2382. Have not fines been inflicted upon them?—Yes, in two or three cases.

2383. Are the coastguard watchful?—I believe that they are.

2384. But long-tackle fishermen can fish there?—They can.

2385. Do you know how many boats of the long-line fishermen there are at Kingstown?—Of small boats a vast number; I should say 40 or 50.

2386. Do you know how many men are employed?—I do not.

2387. Are there 170?—Probably so; I do not suppose that that would be beyond the number.

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2388. Are there 10 boats at Rush?—Yes, I suppose that there are.

2389. Are there some at Malahide?—Yes.

2390. And some at Howth?—Yes.

2391. Do you know how many persons would be dependent on these men; take the 170 and multiply it by five?—With the exception of those who shoot those lines in Dublin Bay, there are none of the people solely dependent upon lines; they only fish for cod in the winter time, and when they lose their lines, it is when they leave their cod lines set at night and go home.

2392. To your knowledge, have they ever found those lines aboard the trawling boats?—Some 25 or 30 years ago, I believe that they did.

2393. But not since that?—Not since that; they have always been given up.

2394. If Captain Hutchinson states that, is it correct?—I believe him to be a most respectable and truthful man, and if it came under his own immediate knowledge I would believe his statement, but he could not have seen what happened at Howth and Lambay.

2395. What is the number of trawling boats belonging to Dublin?—Forty-six, I believe, at the present time.

2396. How many men would those take?—You may say 150 men and 46 boys.

2397. Therefore the number of long-line fishermen, as far as regards the number of the families dependent upon them, is perhaps greater than that of the trawlers?—Counting them numerically I suppose that the number is quite as great, but they only fish for a very short time in the winter, whereas the trawlers fish all the year round.

2398. There is no interest of the trawling population paramount to that of the long-line men?—No.

2399. And if they were injured there would be an injustice to such a large portion of the population?—I do not know; that is a matter of opinion; I think that the trawlers ought to be allowed to go into Dublin Bay for at least two months in the winter, when it would be absolutely necessary for them to do so; I do not think that they would go there at all unless it was absolutely necessary.

2400. Then you would have a close season for trawlers?—I would not have any close season for them.

2401. Your opinion is that trawling does no harm?—Yes.

2402. But supposing that you were in error, and supposing that the Committee did not agree with you, and took into consideration what damage would be done to the long-line fishermen, do you not think that that would be a fair consideration?—It would; but the long-line fishermen generally shoot their lines in the bay at night; trawlers may work in the daytime without any damage to them, because there are no lines at all shot in the day.

2403. But they have been fined?—Yes; there were two or three infractions of the bye-laws last winter.

2404. Mr. *Cooper.*] Do you think that people along the western coast or the southern coast have given up fishing on account of their poverty, or because they have had more profitable occupation elsewhere?—I believe that one of the causes is because they get more profitable employment; numbers have emigrated; and I believe that the wages of the people all over Ireland have very much increased in value.

2405. And you attribute the smaller number of men engaged in fishing very much to that cause?—I do.

2406. You have stated what you think a company should be?—I have, to a certain extent; some hundred Cornish vessels come over to our coast annually, and those men appear to work rather systematically, and to be rather a prosperous set of men, as far as regards living comfortably and having very nicely appointed boats, and the way in which they manage their affairs is this: that the boat is generally owned by one man at Penzance; a party may own three or four of those boats, and in every case the man has the nets from the manufacturer on credit, and he probably has the nets worn out before he pays the last instalment for the nets, and that gives him an interest in washing and saving his nets, and not allowing them to be destroyed; four or five hours' neglect will ruin a set of nets which may be worth 200*l.*

2407. Do you know at all the coast off Sligo?—I do not.

2408. You say that that was formerly fished by Skerries men?—Yes.

2409. Under the system of bounties?—Yes.

2410. Was fishing there profitably carried on?—It was the only means by which the owner could fit out his boat and work it; I think it a great mistake to suppose that there should be a large outlay; the share of the owner is so very small that it would not pay to incur a large outlay to fish off that coast; that coast should be fished by large vessels of 50, 60, or 70 tons which, on the average, would cost 500*l.*

2411. Would you cure the fish which they caught?—Yes.

2412. On shore?—Yes, they should be all dried on shore. The beach men should be continually spreading them out morning and evening to dry, it will not do for the fish to be under the sun at mid-day, or to have dew or rain.

2413. For how many months in the year can that operation be carried on?—For three months, namely, May, June, and July; in those months that hooking can be carried on successfully. When the Skerries men went there they only went for the purpose of filling up the season, and they fished at home, and did whatever they thought proper after the season.

2414. But there is a blank which they could now fill up there?—Yes, but the reason why they do not go there is because they are more profitably employed as coasters and fish carriers.

2415. Is there employment for boats at Sligo?—Yes.

2416. For three months?—Yes. It would not pay the interest to be laid up for eight or nine months in the year.

2417. Did these Skerries men pay anything when they came?—They did not pay anything in the shape of cash; they bought the herrings, and they fished in part themselves; they did that in the winter time, but the way in which they paid the native people in the summer time was by giving them a certain amount of small fish and offal, and they came down almost in thousands to assist them in curing the fish.

2418. Do you think that there should be a close season for fish?—No.

2419. You think that that would not increase the number of fish?—I am certain that it would not.

2420. Do you think that fish curing may be profitably

profitably carried on in Ireland?—I think so. What kind of fish curing do you refer to?

2421. The curing of cod and herring, and so on?—I have lately had a conversation with the owners of those boats who have been in the habit of going round to the north west, and they tell me that it would pay the owner for three months' use of his vessel, but that the hands who are suitable for working those boats are now more profitably employed in herring fishing, and in coasting, and in a variety of other ways, and that they could not get the men to stay. The Rushmen have a small class of boats, and it pays them, as the market value of the cured ling is about twice what it used to be; but as to the quantity of fish to be caught, it is unbounded.

2422. Could you get a market for fresh fish from Sligo or Galway?—Yes, by rail.

2423. Is not that the most profitable?—It is.

2424. You have stated that you would allow trawlers to go into Dublin Bay for two months in the winter?—I would.

2425. Is not the winter time the time when the long-line fishermen fish most?—Yes.

2426. And you think that it could be done without interfering with them?—Yes, I think that the trawlers could be allowed from daylight till dark, and you could give the liners the entire night.

2427. Mr. *Malcolm.*] Where do you send your fish to when you get it off the Calf of Man?—We sell all our fish in Dublin Market, we get it across, and our vessels act as carriers in their turn.

2428. Do you find that better than sending the fish to Liverpool?—I believe that a quantity of that fish which is carried to Dublin is bought and sent to Liverpool, but I believe that to be a trade of itself.

2429. All you know is that you have all the fish brought back to Dublin?—Yes, it is all sold through Dublin.

2430. And the same thing takes place when you are working in the south?—The same thing takes place when we are working either at Galway or at Dingle; there is no other market which would pay us for the fish.

2431. You attribute the fact of the men from Skerries and Rush, who used to fish about Galway Bay, and off that western coast, not fishing now to their being otherwise better employed?—Yes, they are so much more profitably employed that they despise fishing to a certain extent.

2432. And any local men who might be established under what I may call a forcing system, bounties, or anything in that way, would only be able to fish that coast for three months in the year?—That is all.

2433. And if they wanted to make themselves fishermen, as men must be to fish out 20 miles, or something of that sort, from the land, they would have to come round to the eastern coast or somewhere else, to employ the other nine months of the year?—They would, if they became established fishermen, if they adopted it as a professional thing.

2434. As far as I understand, unless you had that class of men, you would probably not get men who could manage the hookers?—No, none of the men on the coast can manage them; they may be brought in to help, but not to manage a vessel.

2435. Is it not your experience as a general rule, that these farmers and farm servants who follow fishing round the coast, merely fish for their own immediate supply, or perhaps for their winter supply, and not to send large quantities of fish away to market?—That is what they fish for; they use trammels and hand lines, and long lines, and they cure the fish for themselves and their families, and probably the immediate neighbourhood.

2436. Therefore it would be very difficult, with a view to encouraging fishing, to lend money to those men?—I think that it would.

2437. I understood you to say that you had tried a trawler along the western coast yourself?—Yes. The relief committee of the Society of Friends, in the latter part of 1847, chartered one of my father's best trawlers, and the object was to explore the entire of the western coast, and to see what trawling grounds there were there, with the object of teaching the coast people, and breaking down their prejudices against trawling. They also at the same time established two stations, one at Belmullet, and the other at Bantry Bay, and they got, I believe, from 15 to 20 of the best description of yawls built for fishing, and the committee expended, at least, 10,000 *l.* in supplying those stations with the best nets, and every possible appliance which could be thought to be useful on the coast. It was not a mercantile speculation, but it was merely to improve the condition of the people, and to endeavour to get them to work in a better manner than they had been in the habit of working; and the object of chartering the boat from my father was, that when they went outside to fish, that boat was to be about them, and to assist them in case they got disabled, or broke down in any way. The charter also stated that every portion of the coast was to be explored. During the last four months, the secretary, a very able and clever man, who was also secretary to the Royal Irish Yatch Club, and who was a very scientific and suitable man, was on board the vessel, and they fished from Clew Bay, and outside the headlands, into Galway Bay, and outside the Arran Islands, and into Dingle Bay, and into Bantry Bay; and with the exception of the clear trawling ground, which they found inside the bays, they found no trawling ground whatever; they found none outside. According to the conditions of the charter, we had to find the vessel with nets, and we lost about 10 new nets. We got the soles in Dingle Bay in very great quantity, and also the fish in Galway Bay. All the fish caught during that voyage was given gratuitously to the poor people. The other two stations, at the end of about three years, fell through, they could not get them worked, and the remnants were brought up to Dublin, and sold for a mere trifle.

2438. Mr. *Cooper.*] Was that failure from the want of men?—They did not take an interest in it. I heard from the manager that the people were so reduced by starvation, that they had to feed them several days with meal, and so on, before they could stand upright in the boats, or take an oar in their hands.

2439. Mr. *Malcolm.*] With regard to the restriction of trawling close in shore, practically speaking, it does not interfere with your trade?—It does not.

2440. You would not take a 70-ton trawl into a place where you could perhaps only let it swing for an hour?—Certainly not; it would not pay.

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2441. And therefore really you do not care for these restrictions; of the two, you would rather have them done away with; but you really do not care about them?—Not a great deal. As a measure of justice and fair play, I think that they ought to be removed. I believe that if the law was more firmly administered to the Claddagh men in Galway Bay, they would be in a better condition than they are at present; but they are always led to expect from the encouragement which they get from the authorities on shore that something is to be done for them: they take the law, as Captain Brabazon said, into their own hands. And in the case of a friend of mine who was making above a thousand a year by his six trawlers, they came and drove him into the harbour, and he was obliged to send his vessels up to me at Dublin, and I sold them for him. He made by fishing one of his vessels as much as I could make with two vessels in Dublin, and between the crew and myself I made 13*l.* a week by one vessel at Galway, and I consider that very remunerative.

2442. That is in trawling outside?—Yes.

2443. Practically speaking, you got on very well, although there was a restricted line?—No doubt of it.

2444. If that was done away with, do not you think that it would give rise to a large class of men who would work very small trawls, poking in and about the bays, and that they would kill a very large quantity of very small flat fish?—That has not been the case; they trawled for years, and finally gave it up.

2445. *Chairman.*] Is it not important that there should be some easy and summary mode of encouraging agreements between the owners and the crews?—I think that it would be very important.

2446. Do you think that the clauses in the Bill with regard to voluntary agreements are desirable ones?—I do.

2447. You approve of them?—I do.

2448. Where the means of transit or of quick despatch to markets are deficient, particularly on the western and north western coasts of Ireland, might it not be of great importance to have curing houses established where the fish captured could be preserved?—I can hardly take upon myself at present to say that they are required.

2449. On the western coast of Ireland, if the hook-line fishery was established, might it not be very difficult for them at times to send the fish to market?—I would have the fishery first, and the curing to follow.

2450. Was not the fish curing experiment which was made in 1846 a success?—I can hardly say that it was; I always understood that they built the curing houses where there was no fishery carried on.

2451. The honourable Member who examined you last asked you whether the restrictions as to trawling in bays were of a character which you very much complained of; you said that they were not; did not I understand you rightly in the early part of your examination to say, that at times very large quantities of fish come into the bays which might be captured if those restrictions did not exist?—There is no doubt of it; if you prohibit trawling within the bays on the western coast of Ireland, you lose the entire flat fish produce of that enormous line of coast, commencing at Donegal and ending, I may say, at the coast of the county of Cork. The finest turbot and soles are got in Galway Bay, and they are got in great abundance; they come in there two or three times a year after herrings, or herring fry, or spat, or whatever it may be. The fish is most abundant; it assists very largely in stocking the Dublin market, and the proportion of small fish is less than anywhere else.

2452. Do you consider that by reason of those restrictions the capture is very much less than might otherwise be?—I believe so; although that restricted line is there the trawlers have repeatedly fished inside it. Dingle Bay is thrown open, and I say, why throw open Dingle Bay and have restrictions on other places? I should say, if allowed to express an opinion, either shut up all the bays or open them all, and do not give particular privileges in certain places.

2453. Do you consider that the Board of Works, in imposing those restrictions, go upon any fixed principle?—I am sure that they do not. They endeavour to please everybody, and by endeavouring to please everybody, I am sure that they please nobody.

2454. Are not a great many of the bye laws which are passed by the Board of Works of a most inconsistent character?—Most unquestionably.

2455. You know the harbour of Waterford?—I do.

2456. It was stated by the Chairman of the Board of Works, that the restriction as to large trawlers in Waterford Harbour was, to some extent, in consequence of an arrangement being come to between the large and small trawlers to that effect. As a large trawler, are you satisfied with that arrangement?—I was never made aware that such an arrangement existed. I was aware that a bye law was passed, giving liberty to small trawlers to work within the harbour, where large trawlers could not work, and I think that anything more inconsistent with common sense could not be enacted.

2457. If harm can be done in shallow water, is it not more likely to be done by the small trawlers permitted by the Board of Works?—Of course. There is no doubt that the shallower you go, the smaller the fish are. The spawning in bays is quite a myth; no such thing exists; it is merely that as you go into the surf on the beach you get the small fish. I believe that light and shallow water is absolutely necessary, both for the development of the fish and for protection from larger fish, but as we come out into deep water the fish increase in size and in quantity.

2548. Mr. *Cooper.*] You say that haddocks have very much decreased on the coast?—Yes.

2549. Have you no way of accounting for that?—In Dublin trawling was established in 1818, and 40 years afterwards, namely, in 1858, the haddock were never so abundant on the Irish coast, or in the Irish Channel, as in that year. From my own experience, from the results of the fishing, and from the profits of our vessels during that year, it was certainly a most extraordinarily profitable year of fishing. The next year, or the year after, they disappeared *in toto.* The oldest hooking men in Howth, or along the whole coast, admitted that when they were boys, they never knew them so abundant. The whiting also took their departure with the haddock, and the whiting remained away till last year, and they have returned in the same enormous quantities as before;

fore; and I am certain that the haddock will return. We have been getting during the winter months some three or four to a haul, which is nothing, compared with what we used to get. They are middle sized haddock.

2460. How do you account for that; do you believe that they go out in search of food?—I believe that they left the coast of the east of Scotland, where there never was trawling. The village of Findon was famous for haddock. I believe they send up smoked codling to London as haddock, but the haddock are, I believe, again returning.

2461. Are the regulations of the Board of Works generally made at the request of the locality?—Yes.

2462. And they vary very much to suit the wishes of the locality?—Yes; they endeavour to conform to the opinion on the whole of the locality.

2463. Then you do not blame the regulations of the Board of Works?—No, I was always treated with the greatest possible courtesy, when I went to make any inquiries of them.

2464. Then it rather shows the prejudices of the locality than anything else?—Most unquestionably; I have continually asked Mr. Barry, the inspector, why in Wexford Bay, in such shallow water, they never passed a bye-law. Of course, the reason is that no one ever asked for it; there is no hook and line fishing carried on; they trawl for a part of the year, and they fish with drift nets. Our trawlers probably go for two or three weeks in succession once in a year. Although we have been trawling that shallow smallish bay, considerably for the last 40 years, the fish when they are in the bay are as abundant, and as large as ever they were.

2465. It would be very unpopular if there was no means of enforcing a bye law in a locality, would it not?—I suppose so.

2466. People like to carry out their theories?—Yes.

2467. General *Dunne.*] You say that the laws made by the Board of Works are capricious, and not reasonable?—Yes, I consider them inconsistent.

2468. Are not they in general made at the suggestion of the local people?—They are.

2469. The Board of Works are the persons who enforce these rules?—They are.

2470. Mr. *Malcolm.*] I suppose that they are the best judges of their own case?—Yes. What I complain of is that although trawling in our large vessels is prohibited in Dublin Bay, yet there are 17 seine nets each of 150 fathoms in length, working twice in the 24 hours in the Dublin river.

2471. Do they catch flat fish?—Yes, they catch large quantities of flat fish, and they are given to the helpers who assist for the sake of what flat fish they can get.

2472. *Chairman.*] Do you know anything of the oyster fisheries?—No; I would not undertake to say anything about them.

2473. Do you consider it desirable that the Government should have a survey made round the coast of Ireland in order to ascertain whether there are good fishing grounds not availed of?—Yes; I think that if there were eminent men, such as Mr. Huxley, or Mr. Andrews, or any of those clever naturalists, appointed for that purpose, it would be an advantage.

2474. I am not speaking of spawning, but simply of the fishing grounds where fish might be captured, but are not at present; do you think that it would be desirable to have a Government survey in order to ascertain whether such fishing grounds exist, but which we do not know anything about?—I do not think that it would; I think that we know pretty well all the grounds in the Irish Channel; Captain Brabazon was very incorrect in what he stated; he said that the whole of the Irish Channel was a trawling ground; that is not the fact; from Dublin Bay all the way round to the Tuscar Lighthouse we know to be perfectly barren ground; I have sounded it myself, and what we took had not a particle of sand; there is an enormous scour of tide, and even if it was trawling ground the tide would run over the vessel.

Friday, 21st June 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. Bonham-Carter.
Mr. Cooper.
Lord Dunkellin.
General Dunne.
Sir John Gray.
Lord Claud John Hamilton.
Mr. Ion Hamilton.
Mr. Herbert.
Mr. Kavanagh.
Mr. Maguire.
Mr. Malcolm.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., in the Chair.

Mr. John Good, called in; and further Examined.

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2475. *Chairman.*] What additional statement do you wish to make?—With regard to the prohibitions placed on trawling by the Board, I beg to say that they are opposed to all progress, and most injurious to private enterprise. When I stated that they did not affect me much, I meant to convey that I myself personally did not care much about it; but it is a matter of very serious moment to the crews of my vessels, and the proprietors and crews of other trawling vessels. I may here state that our crews, like all other crews of fishing vessels, are not very provident people, and that after a series of good earnings, they may be a fortnight and more when they cannot get down to the sea. There is no trawling ground south, from Dublin to Waterford, and they are very often in a state of great destitution from the want of being able to accomplish the object. Through the Kingstown line and hook-men having a monopoly of Dublin Bay, the place is full of fish. In any part of the bay there are numbers of fish; there are large plaice and turbot, and they are altogether lost to the public. Our people very often might have a week or fortnight's fishing, and supply the market when it is not supplied, and the same fish which our people would catch, are not caught by the hook and line men; they merely catch within the bay. The same observation applies to Dundrum Bay. Captain Brabazon stated that all the fish which they caught was merely to supply the market; my experience is, that if any person does not go in earnest with a fixed determination to catch fish, he may as well stay at home. I have repeatedly asked the Board to remove these restrictions, and waited on the Board and on Mr. Barry upon the subject, but never could get them removed; the consequence has been that a great quantity of good food has been lost to the country; and with regard to the line men having a monopoly of Dublin Bay, by the boundary line, I can only say that if I got such a monopoly I would willingly pay 500 *l.* a year for it. It should also be remembered that one trawling boat, such as is used on the eastern coast, is worth the entire value of the small line boats in Kingstown; the same observations hold good with respect to the Bays of Galway, Dundrum, and other bays, where trawling is prohibited. With reference to harbours on the eastern coast, not having been asked any question on the subject, and not wishing to make speeches, I said nothing; but it is only right that the Committee should be informed that Howth Harbour never can be of any use to our large vessels; all the money expended on it by the Board of Works will never be of any avail for the large boats, as the harbour is filling up as fast as it is cleared out; the proper and only place for a harbour is Skerries, in the county of Dublin (the reason why I say Skerries, in the county of Dublin, is, that there is another Skerries on the north-western coast), which is the great centre of all the fishing operations in the Irish Channel in winter time. The new lighthouse on Rock-a-Bill affords special facilities to vessels running for Skerries during gales of wind in winter time. The present harbour of Skerries is scarcely sufficient for the vessels belonging to the place, so that all others have to bring up in the roads; that is, to come to an anchor outside; and when the wind shifts round to the north-east there is no shelter for them. I have personally suffered very great loss from damage received by my vessels at Skerries, amounting in some cases to nearly a total loss. In conclusion, I may add that at present there is no place of safety for the larger class of fishing vessels to run for between Kingstown and Belfast Lough.

2476. Mr. *Cooper.*] You have spoken about the improvident habits of the fishermen; do you mean the men employed in trawl vessels, or do you apply the remark to all the fishermen of Ireland?—The fishermen of Ireland, in a general way, are of about the same class, and they are very improvident.

2477. Do you find any difficulty in getting crews?—Very great difficulty.

2478. Do they ever strike for higher wages?—Repeatedly.

2479. Were you examined on the subject of voluntary agreements?—I do not know that I was.

2480. Do you think that they would obviate that difficulty?—I think that they would to a very great extent.

2481. If you could bind your crews by some articles, you think that it would be a great advantage

vantage to you?—There is an absolute necessity for such agreements, and for such binding, more now than there ever was before. The herring vessels or trawling vessels, go from Dublin to Bantry, or Kinsale or Galway, or anywhere else; as the men are paid by shares, you at present have no binding contract; we have to provision the vessels for the voyage; and we have actually supported the families of the crews at home; each man may run up 7 *l.* or 10 *l.* in debt with his owner; and, if the voyage is not profitable, they think nothing of walking home or shipping in a fresh vessel, leaving your vessel wherever it may be, and coming home.

2482. What remedy does the law now give you?—None whatever; they will walk into a fresh vessel, and any other owner is glad to get hold of them; he receives them with open arms. When they transgress in this way, by running away from the vessel which has been supporting them, they do not like to work what is called a dead horse; and they will not stay in the vessel till they have paid off their old debts, but they go to a new vessel, and the owner of that new vessel is very glad to get hold of them.

2483. There are not fishermen enough at present to supply the demand?—There are not.

2484. There is an opening by these trawling boats to supply very many more men than are now employed?—Yes; and a number of hooking vessels and of trawling vessels are laid up for the entire summer, from the want of crews.

2485. Fishing is a profitable occupation to the men employed?—It is.

2486. What do you consider to be the earnings per week of your crews?—The average earnings of an operative man are about 1 *l.* a week, taking the year round.

2487. That is higher than what they can earn on shore?—They are very fond of variety, and they will leave a trawler where they are earning 25 *s.* or 30 *s.* a week, and they will go off to a yacht or to a salmon vessel, or to pull a net.

2488. Have you any difficulty in finding boys as apprentices?—The apprenticeship system in Ireland has never been properly carried out.

2489. Do you think that if it was carried out, it would answer?—I am sure that it would.

2490. Have you ever thought of how it could be made available for training men for the sea?—It could never be well carried out, as it was in England. Formerly the managers of the Brixham boats were supplied by what were termed parish apprentices: the poor boys of the parish were forced on the owners.

2491. Did that system answer?—It answered remarkably well. Many of the owners of the vessels at Hull served their time as parish apprentices.

2492. Do you think that any plan of that sort could be adopted in Ireland?—Yes. There was a gentleman who was at the head of a reformatory in Ireland, and he was very anxious to establish a fishing station at Clew Bay, for the sake of training boys, and I have always told them that it could be adopted.

2493. How was this system carried out in England, was it under any special Act?—It was considered arbitrary.

2494. Have they any difficulty in finding fishermen to man their boats?—No.

2495. There is plenty of employment in fishing in Ireland, if men would take to the trade and live by it?—The greatest possible.

2496. You have said that Howth Harbour is of no use for vessels; it is not finished, is it?—It never was finished.

2497. Is not some improvement now being made in it?—Not sufficient to accommodate the larger class of vessels.

2498. And you think that it never can do so?—Never.

2499. Is it not a most useful harbour for the herring fishery?—It is very useful, and is very conveniently circumstanced; it is one of the most conveniently circumstanced harbours on the coast of Ireland.

2500. But you want another harbour on that coast to accommodate large vessels?—We want a harbour to run to in any time of tide.

2501. On the previous day of your examination, I think you told the Committee that trawling is as profitable now as it was formerly?—It certainly is.

2502. Do you fish over more ground than you did formerly?—No, except that the Dunmore ground has been added in the last 10 years.

2503. Do you think that one haul of a trawl is now as profitable as it was formerly?—Yes; we have this month got 150 pairs of soles to a haul, and 150 hake to a haul, which is fully as much as I ever heard of being caught.

2504. Mr. *Kavanagh.*] You say that you have no power to sign articles?—We never had any agreement.

2505. Have you not the power established by the Mercantile Shipping Act?—We were never aware that it applied to fishing vessels; I never saw any form of agreement which, as I thought, bound the crews of fishing vessels to the owners.

2506. You think that the mercantile law would not apply to such vessels as yours?—I am almost sure that it would, but I never was aware of the fact before.

2507. If you had power to sign articles, how long would you sign them for?—During the voyage, say from Dublin to Galway, which would be a 3½ months' voyage; and the men should sign to go the voyage round, and to fish there for a certain time, and bring the vessel back again to Dublin.

2508. You have spoken of apprentice boys; supposing that such a plan was established, would you undertake to take apprentice boys in your boats?—I would.

2509. How would it be arranged; they would have to be bound to you for some years?—The old form of binding was that they were bound till they were 21.

2510. During that time the owner had to look after them both in summer and in winter?—Yes, they had to be kept in food and clothing, and they had the shell fish and a variety of other matters, which kept them in pocket money.

2511. Do you know anything about the western coast?—Galway Bay and Dingle Bay are the only places where we fish.

2512. Do you think that a company or a private individual fitting out a large boat to go round there, say of 150 tons, would find it pay to go round there?—It would not pay; it would not pay me or a company or anybody else to build a vessel, and send her there for that express purpose. The great mistake made by companies is this—the impression on the public mind is, that when they hear of 200 *l.* or 300 *l.* worth of fish being caught, they forget how small

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a portion of that comes to the owner; 12 or 13 shares will be made of what fish are got. Two shares out of the 13 would come to the owner; he would get 25 *l.* or 26 *l.*; that would not pay for the fitting out and insurance of his vessel, nor for any part of the legitimate expenses connected with a vessel of that size.

2513. It has been suggested that some ship-owner might send a vessel round there with only a sufficient complement of sailors to handle her, say a skipper and four or five men; that could not be made to pay?—It could not.

2514. In that case it was recommended to employ the population on the coast for fishing?—That would not do either, unless they were employed as helpers.

2515. The proposition was to employ them as helpers?—They could be by degrees trained to be employed as sailors, but no one will do that unless he finds it a profit to himself; and the vessels which go there must be employed in fishing or coasting or something else, at some other time of the year.

2516. It was proposed that those vessels should only be sent round at certain times of the year; do you think that that could succeed?—No; but I will explain how it can succeed, and how it has succeeded. That was an efficient fishery for the Skerries and Rush men; they only went there after their cod and haddock season in the Irish Channel ceased. They took in a sufficient amount of tackle, and they were well supplied with lines, and they went round to that coast, and in a very short time they always got a cargo. During the time when they were there, they always had one man on the beach, who was called the beachman, and his business was to see that the fish was properly dried, and that it neither got too much of the mid-day sun nor the dew or rain. The shore people were always excellent helps in the way of pulling boats and helping to cure the fish, and all they got was the offal, the heads and tails, and the unsaleable fish, the dog-fish, and other fish of that description. Latterly those Skerries men have become good sailors and good coasters, and they have taken to herring fishing and to fish buying and carrying; and I fear that in a short time the generation of the crews of those vessels which formerly were employed in the manner which I have mentioned will have passed away. That description of fishing is now only managed by some six or seven boats from the eastern coast; and I may say that on the coast of Great Britain there were no better hook-and-line men for the deep sea than the men on the eastern coast of Ireland.

2517. Have you considered that if such a thing was carried out in the same way as these Rush and Skerries men did it, it would pay? It paid them indirectly to a certain extent. I do not know that it ever paid the owners very well, but the owners were always tradespeople, provision merchants, and fish factors, &c., who made a profit by providing the crews and their families with provisions while away; and when the boats returned, on the selling of the fish, they paid themselves out of the proceeds, and at that time the men were not at all demoralised as they now are; no man thought of leaving a boat till all his debts were cleared off.

2518. You say that Howth is a very bad harbour; but has not a considerable amount of money been lately laid out upon it?—Yes.

2519. It has never been finished?—It has not.

2520. Are any works in progress there now?—Yes.

2521. What are they?—The Board of Works are dredging.

2522. There is no extension of piers?—No; the mistake was that it was made too near the rocks, and it has silted; the object of the engineer in making Howth Harbour in its present place is, that the island of Ireland's Eye completely shelters the mouth of the harbour; if it was made its own breadth to the eastward it would be one of the finest harbours in the United Kingdom; Her Majesty's Fleet could come in there, and the shelter of Ireland's Eye would be just as completely carried out.

2523. You know the whole eastern coast of Ireland?—Yes, very well.

2524. From the Tuscar to St. John's Point?—Yes.

2525. Do you know of any harbour which has been made there which has not silted up?—Dunmore was made a packet station.

2526. That is south of the Tuscar; I am speaking of between the Tuscar and St. John's Point?—There is no place of use to us; Arklow fills up, and the mining company constantly keep dredging it.

2527. You have mentioned Skerries?—It is the great centre of our operations in the winter time for both trawlers and hook-and-line men.

2528. Would not that be liable to the objection of silting up?—No.

2529. Why?—The islands sheltered it from a southerly gale, and we have not the amount of sand and silt on that coast which there is on the coast south of Dublin; the sand and water almost run as thick as paint.

2530. Is there much rise and fall of tide at Skerries?—About the same as at Dublin, 12 feet.

2531. Colonel *Vandeleur.*] You have stated that there is no safe harbour for boats to run into from Howth to Belfast Lough?—Yes.

2532. Would you not consider Carlingford a safe harbour?—Carlingford is a good harbour, in its way, but in the Irish Channel in winter time it is very thick and very difficult to see; Carlingford is a very dangerous place to run for.

2533. You are aware that there is a first-class light in Carlingford?—Yes, but before you get to it, it is difficult to run for it; the land is low, and the water shallow.

2534. Beyond Carlingford you have Lough Strangford?—Yes, we could run for Lough Strangford; we have gone into Strangford Lough once or twice; but the tide frightens our people.

2535. There is Donaghadee, which is a first-class packet station, is it not?—We have not gone round so far as that.

2536. I believe that your boats are of about 50 tons?—Yes; on an average, they draw about 11 or 12 feet of water.

2537. Mr. *Bonham-Carter.*] You have stated that you fish at a certain time of the year the Isle of Man ground?—Yes.

2538. And that you meet the Cornish men there?—Not in the Isle of Man ground.

2539. On your coast, you meet the Cornish men?—Yes.

2540. Do you fish in company at all?—The boats fish in partnership when they are fishing at a distance from Dublin; they take turns to carry fish home.

2541. Do

2541. Do you fish in company with the English boats?—Yes, when the English boats are out on the deep water off Dublin; they fish in the night, and we fish on the same ground in the day.

2542. By an arrangement?—That, I believe, is according to law, and also according to what answers. The herring people could catch no fish in the deep water during the day-light, and we could catch no fish in it during the night.

2543. Are there any English trawlers at work alongside you?—Our trawlers are called English trawlers. Dublin was colonised about 37 years ago by trawlers, and although they are exclusively Irish, yet along the coast they are called English.

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2544. Do boats from the other side of the Channel fish the same ground as you do?—No, the Liverpool people do not come over to our side, nor do we go over to their side.

2545. Nor the Cornish boats?—The Cornish boats only come to fish for herrings.

Mr. Abraham Stephens, called in; and Examined.

2546. *Chairman.*] You have been engaged for many years, I believe, in fishing enterprises in the estuary of Waterford Harbour?—I have.

2547. For how many years?—About 25 years. I have taken an interest in it, being a fisherman on that coast.

2548. Is it 25 years since you first entered into fishing speculations?—About that time.

2549. What was the nature of the boats which you had at that time?—Our boats then were not so large as we have them now. When we increased the size of our boats, we purchased them at Liverpool, when a company broke up there.

2550. What is the nature of your present enterprise?—Trawling principally, and oyster dredging sometimes, and salmon fishing.

2551. How many trawl boats have you?—Three.

2552. Are those of a first-class character?—Yes.

2553. What is the size of those trawl boats?—Fourty-four tons register; they carry about 70 tons. They were new boats purchased at Hull.

2554. Do you find that your operations upon the coast are successful?—We have no complaint of fish, or the price of fish, but we have, like Mr. Good, to complain of not finding crews when we want them. They leave us without notice, and we cannot get others to supply their places, particularly trawl men.

2555. With sufficient crews, might you have found employment for your boats off the coast?—We should have largely increased our operations if we could have got men to work the boats. For the last month, I have had a first-class vessel wanting a master, and I have just got one now from Mr. Good.

2556. Are the grounds off Waterford Harbour of a very productive character for trawling?—There is a mine of wealth there; so far as I have known it, they are the finest fish.

2557. The Nymph Bank is some 30 miles off the coast?—Yes, it extends from the line of the Tuscar along to off Cork; sometimes there are great quantities of fish caught in the soft sand.

2558. Do your boats fish upon it?—Yes, constantly.

2559. And a very much greater number might do so?—Yes, other parties from Waterford are fishing there also.

2560. There are restrictions upon trawling in Waterford Harbour?—Yes.

2561. For boats of over five tons from Craden Head to the shallow parts of the estuary?—The large trawlers are not allowed to trawl inside Craden Head, by an agreement with the fishermen, I think, or the Fishery Commissioners of Ireland.

2562. Do you consider that those restrictions are essential to the preservation of the spawn?—I have never seen spawn anywhere there.

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2563. Have you ever been on board of the boats when trawling?—Yes.

2564. Have you ever seen spawn taken up?—Never.

2565. Is it your opinion that on ground upon which the trawlers can work, the fish deposit their spawn?—If the spawn was deposited in shallow water, or in an estuary, of course our trawlers would take it up.

2566. Have they ever done so to your knowledge?—No.

2567. You have been constantly on board boats?—Yes.

2568. You have one trawler under 15 tons?—She is an open boat; she is not fit for the outer bank.

2569. She frequently trawls in the shallow water?—Yes.

2570. Have you ever been on board of her?—Frequently.

2571. Have you ever seen spawn taken up?—Never.

2572. Do you consider that those restrictions are injurious to the fisheries?—Yes.

2573. In what respect?—In the summer months the estuary of Waterford Harbour is filled with fish; the larger boats cannot touch them; the smaller boats do, but they cannot catch much.

2574. Do you mean that large shoals of fish come into the bays round Waterford, Wexford Bay, and other bays, which fish might be captured by large trawlers, but which get out to sea again, and are not captured?—No doubt of it.

2575. Under what circumstances do large shoals come into the bays?—From May till the latter end of September we find our bays and harbours filled with the finest fish. Turbot, soles, hake, and plaice, and various other small fish. They come in after sprat and herring to feed on, and in the winter months they go off to the deep. You will find none of them there in the winter; they leave our coast after September, and you then find them in 40 fathoms water upon the outer bank.

2576. A good many of those shoals are not captured by the small trawlers which are permitted to fish in Waterford Harbour?—There is very little of the small trawl boats in Waterford Harbour.

2577. Therefore you think that the market is deprived of the fish by those restrictions, and that the spawning is not benefitted by them?—We have a market for any quantity of fish there, and at a very large price.

2578. Have you had any experience of the erection of the fishing piers and harbours under

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the Board of Works?—Yes, I was the means of getting up a subscription of 2,000 *l.*; and the Board of Works gave 4,000 *l.* towards building a pier at Duncannon, where I harbour my boats.

2579. On that coast, of how many harbours have you a personal knowledge, which have been erected by the Board of Works?—I know the one at Kilmore, which cost about 6,000 *l.*, which was erected about the same time, and I know the one at Slade which was erected at the same time, which cost 1,600 *l.* I know the one at Ballycotton which cost 2,000 *l.* or 3,000 *l.* They do not afford much shelter to the fishermen. I know Dunmore harbour, but that is not a fishing pier. The one at Arthurstown was formerly erected by the Fishery Board.

2580. In your opinion, were they erected in a satisfactory manner, and are they suitable for the fisheries?—Not at all; some of them are now totally useless for fishing piers. In Duncannon and Kilmore, and other harbours, the fishermen are obliged to use the old piers erected 100 years ago.

2581. Are you a practical builder?—Yes.

2582. Have you not carried out several contracts with the Government in the repair and extension of forts and barracks?—I have been for many years erecting large works under the Government.

2583. You are also the local engineer for the Waterford Harbour Commissioners?—Yes.

2584. You are therefore well acquainted with the way piers should be built?—I am.

2585. Do you give it as your opinion, that both in point of design and of construction, all the works which you speak of have been badly carried out by the Board of Works?—The piers which I speak of are totally useless for sheltering fishermen's boats; they are badly designed, and they are badly built. In the case of Duncannon, I raised 2,000 *l.*, and I handed it in to the Board of Works, and they used it as they liked; they would take no local advice.

2586. In the place of which you have the best knowledge, namely, Waterford estuary; have you ever seen any inspection upon the part of the Fishery Commissioners, or the fishery inspectors?—I do not think that I have seen a Fishery Commissioner about the sea coast-fisheries for the last 30 years at Ducannon.

2587. Have you ever seen Mr. Ffennell, or Mr. Barry, or Mr. Brady making inspections there?—I met Mr. Barry once at Dunmore, when he held an inquiry with regard to trawling, and I met Mr. Ffennell, when he came to our neighbourhood with regard to salmon fishing, but nothing else.

2588. Is it the fact that for 20 years you did not see a fishery inspector?—I never saw them.

2589. Do you consider that if loans were judiciously granted to fishermen in your neighbourhood, many of them who do not now follow fishery avocations would be enabled to pursue them?—I think that a good many of them would.

2590. You are of opinion that loans, if judiciously granted, would be advantageous?—Yes, a loan would help a poor fisherman who was not able to get up his plant. I would advise the Government to take security for it.

2591. Have you read the portion of the Bill relative to voluntary agreements between owners and their crews?—I have.

2592. Do you think that desirable and necessary?—I think it very useful, that is one great difficulty with the men that we have to contend with.

2593. Have you ever found difficulties with the crews?—I have; a particular description of man is needed for a trawler; I brought some of them from Hull, and from the West of England, and from other parts, so as to act as schoolmasters in teaching the other fishermen trawling.

2594. Are there great capabilities in Waterford estuary and harbour, for the planting of oyster beds?—There is a fine natural bed of oysters there, but there are other places where they could be planted.

2595. I wish to call your attention to the fourth clause of the Oyster Act of last year, in which it is stated that "It shall be lawful for the Commissioners to grant a license to the owner of land bordering on the sea, or any estuary, or to any person or persons, with the consent of such owner, to form or plant any oyster bed, or laying, whether above or below low-water mark." From your knowledge of the estuary of Waterford harbour, do you think that that provision would not be very likely to act as a prohibition against the planting of oysters there in a pint measure?—The shores of Waterford estuary are in the hands of three proprietors.

2596. Do you think that it is desirable to give landlords, having lands bordering upon so extensive an estuary as Waterford harbour, the power of prohibiting parties from planting oyster beds below low-water, if they are not disposed to do so themselves?—I think that that clause would completely stop the planting of oyster beds, the landlords would require large rents.

2597. Under such circumstances, do you think that other parties ought to be allowed to plant oyster beds without the permission of the owners, below low-water mark if they do not choose to plant them themselves, if it was sanctioned by the Commissioners of Fisheries?—Yes.

2598. So far you approve of the clause under the consideration of the Committee?—Yes.

2599. Mr. *Herbert.*] Why did you increase the size of your boats?—To enable them to fish in deep water; the boats before that were not fitted for fishing in deep water.

2600. Did you find that you got more fish?—Yes, at certain seasons of the year.

2601. Did you ever catch salmon far out at sea?—No, I never caught one.

2602. You said that there was a mine of wealth on the coast?—Yes.

2603. Do you make it pay?—Yes, I have made it pay.

2604. Are you making it pay now?—I think so.

2605. Have you any idea of the habits of the sea-fish as regards spawning?—No.

2606. Do you ever catch fish heavy with spawn?—I have seen them. I have seen cod-fish in March filled with spawn.

2607. At those times of the year do you catch many fish heavy with spawn?—We are catching soles in 40-fathoms water, and there is only in the harbour of Waterford about six-fathoms water. The outer sole in deep water is now in a bad state; it is after spawning; the in-shore fish we find in good order.

2608. They have not spawned?—I do not think that they have.

2609. Do you think that it is a good thing to kill fish heavy with spawn?—If it could be prevented it ought to be.

2610. Do

2610. Do you think that there is any harm in disturbing spawn beds?—I should first know where the spawn beds are.

2611. Do you think that there is any harm in disturbing a spawn bed?—I think that if it was disturbed it would be very wrong.

2612. Which do you think the greatest harm, killing the fish heavy with spawn, or disturbing the spawn bed?—Disturbing the spawn bed I think would be the worst.

2613. Do the small boats in the harbours at this time of the year kill much fish heavy with spawn or not?—I do not think that they are very heavy with spawn at present, but the fish in shallow water we find in very good order just now.

2614. Generally with spawn?—I think that some months before they spawn they are in good order.

2615. When the fish come into the bays, what do they come for?—For food; they come after the sprat and the herring.

2616. And for no other reason?—I do not think that they come in for any other reason.

2617. Do the herrings spawn in shore?—The herrings do not come into our coast.

2618. You have stated that in Waterford Harbour there is a great quantity of fish at this time of the year; why do they come in shore?—The sprat comes in, and all kinds of fish follow the sprat.

2619. Do you think that they do not come in for any other reason?—I do not think they do.

2620. Sir *John Gray.*] You have said that you find great difficulty in getting crews for your boats?—Yes.

2621. Is that from want of skill or from want of industry?—From want of skill; it takes a lifetime for a fisherman to learn how to trawl; he must begin from a boy.

2622. Have you any local men?—We have plenty of local men, but we must leave them under a master who understands the trawling to teach them.

2623. Do you think that a good system of inspection, and instruction given by the inspectors, and some general management of fishermen would have the effect of training up fishermen?—I think it very necessary; I wish that we could adopt the plan which they adopt in Hull and the north of England, namely, take boys out of the poorhouses and bind them as apprentices; at Hull there is a fleet of from 500 to 700 boats, and there are 1,700 fishermen who have been brought up to it from boys.

2624. Is there any special law prevailing in Hull which enables that to be done?—I am not aware, but I think that there must be.

2625. Is there any difficulty in getting it done in Ireland; have you ever applied to the guardians in Ireland for boys for that purpose?—I have never applied to our union for any boys, but it strikes me that it would be a desirable plan.

2626. From what you know of the fisheries, do you think that the Government, without any loss, could give such encouragement to the local fishermen as would train up proper crews?—I think so; I have been in France within the last few days, and there there are good harbours, and fleets of fishing boats building on their banks in large numbers; I have been at Boulonge, Calais, and Ostend; you will find that the fishermen there are well cared for, and that they have good harbours to save their boats, which we have not in Ireland.

2627. Do you think that the deficiency in the fisheries arises from the deficiency of harbours?—That is one of the causes.

2628. What do think that the profits ought to be upon moneys advanced for fishing, supposing them to be advanced, either by companies or by individuals or by the Government?—I have no hesitation in telling you what my profits have been for the last three years. Three years ago I purchased two boats at Hull; in the first season they made 19 per cent. for the owners; the earnings of the last year were not so good, on account of the difficulty in getting the crews; this year has not closed yet; I have known our boats to be idle for two months for the want of crews.

2629. When you say that there was 19 per cent. profit to the owners, was there a considerable sum in the shape of wages?—We paid no wages at all.

2630. Did you not pay wages practically in the shape of shares?—We give our trawling men half the earnings; the fish is sold every time that it is brought into the Waterford market.

2631. Were the earnings liberal earnings?—Very; I had a letter yesterday morning from home, stating that a small boat had earned 10*l.* 6*s.* 6*d.* last week, which gave the four men on board 30*s.* a-piece for a week.

2632. Colonel *Annesley.*] You are interested in trawling; you are the owner of trawlers?—Yes.

2633. Are you in favour of doing away with the restrictions upon trawling in bays and estuaries?—Yes, I think that we should catch fish wherever we can.

2634. Have you ever considered what effect that would have upon the interests of the line fishermen?—We have very few line fishermen now.

2635. What would be the effect upon those fishermen of doing away with the restrictions?—I do not think that it would affect them much.

2636. Would it not take away all their means of obtaining a livelihood if you cleared the bays of the fish which they now catch?—I do not think it; on our coast you find a number of fish which come in after the sprat, but in one gale of wind from the south, there is not a fish to be found on the ground; they run off to the 40-fathoms water, and we send out our large boats in that direction, and get them there.

2637. Colonel *Vandeleur.*] You say that it is very difficult to obtain men to work your boats?—Yes.

2638. But at the same time you have stated that the earnings are good?—I do state so.

2639. Can you give any reason for that difficulty?—A great number of our fishermen have emigrated.

2640. If there are good wages and employment to be got, why should you not get men?—We find it very difficult to get men to fish in trawl vessels; you might get them for other fishing boats.

2641. Are there many other boats employed in Waterford Harbour besides your's?—There are a great many engaged in salmon fishing.

2642. Is there anything else in Waterford Harbour?—Nothing but dredging for oysters, or fishing with small boats.

2643. Are there trammel nets?—No.

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2644. Or draught nets?—There are draught nets.

2645. Are not draught nets used in deep water, and seine nets in shallow water?—Yes.

2646. Are there many small boats used in trawling besides your own boats?—Yes; the drift-net boats frequently work at trawling when the salmon fails.

2647. But the smaller boats would not wish to see your large boats come close in shore?—There would be always a jealousy among fishermen if you brought in a large quantity; they do not like to see a large quantity come in.

2648. Because you would annihilate their trade?—Yes.

2649. They say that the sea is large, and that you can occupy the deep waters, while they occupy the shoaler ones?—So we do.

2650. Do you fish for hake and ling with the line fishing outside?—Not line fishing; we bring them up with the trawls in 40 fathoms water, in winter time particularly.

2651. Do the men get the same proportion whether the fish is round fish or flat fish?—Yes.

2652. It has been stated by several witnesses that many of the fishing companies round the coast of Ireland have failed; can you give any reason why they have failed?—I have not known many of them to fail in our neighbourhood; that is to say, in Waterford. There are two other parties there fishing; one has four large boats, and the other two.

2653. The Chairman has asked you with regard to oysters, and has suggested that the exclusive power of letting the shore or of granting the privilege of letting an oyster bed, should be taken from the owner?—If the owner did not do it for himself, I think that it should be given to the public.

2654. The Bill includes the owner and the occupier; could not the occupier exact the same rent, or perhaps more than the owner would?—I do not think that his lease is so long; he would not get the same rent.

2655. Do you conceive that all the restrictions in the way of fishing should be done away with?—I think so. We at present find no deficiency in the take.

2656. With regard to oysters, would you take away the power of the Commissioners to prevent oyster dredging at particular times, or to prohibit it for a certain space of time, so as to allow the beds to be replenished?—That has been the law, and I think that in the case of oyster dredging it has been very useful, to allow the oysters to breed on the beds.

2657. Mr. *Bonham-Carter.*] I understand you to say that in a late instance your men had earned 30 *s.* a week?—Yes; last week.

2658. For how many months in the season are those men able to work?—The trawling in the estuary of Waterford Harbour lasts till September; after that there is no fish of any amount to be found there.

2659. Are the earnings in the season sufficient to supply the wants of the men in the other part of the year, to a certain extent?—No; they dredge for oysters.

2660. Do you think that the difficulty which you experience in finding men is at all attributable to the salmon fisheries, and the greater ease with which earnings are made in those pursuits?—Yes.

2661. Trawling is harder work?—It is.

2662. Of course the quality of the work which a man has to give for his money is a consideration in the receipts which he takes?—There were large earnings last year.

2663. Has emigration gone on to a very great extent?—Not of late years; after the famine, very many of our fishermen went away.

2664. Is any emigration now going on, or has that had very much effect upon your men?—No; we generally have one trained man in each boat, and if that man leaves us, the other men cannot work; he is the schoolmaster for the rest.

2665. Have you always worked upon the system of giving the men shares?—Yes.

2666. What is the result of an unsuccessful season; have you a difficulty in getting men in the next year?—Yes; if our fishermen have a bad week or a fortnight in the winter, they very frequently leave us and go to ships.

2667. Do you ever guarantee a man a minimum whatever your profits are?—Never.

2668. Is there in any case which you are aware of, the habit of taking apprentices, or of taking boys for a term, in fishing?—I am not aware that there is; I should be very glad if it was the case.

2669. Is there any practical difficulty that you are aware of, in taking apprentices, if you choose to take them?—I am not at all aware of the law of the case.

2670. Is there anything which precludes you from taking apprentices?—It is usual in England to take apprentices; they train them up from apprentices, and they afterwards become masters and owners. You will find many men in Hull now masters of boats, who were at first apprentices.

2671. That is to say, that the custom has not been established, and it would be bringing into practice a new custom; is that the only difficulty?—I think that it is the only difficulty.

2672. Do you think that the parents of the boys would be unwilling that they should be bound for so long a period as seven years?—I have not tried them. We have generally one boy on board, and he gets half a man's share.

2673. Have you any difficulty in getting boys for half a share?—Sometimes.

2674. Does that boy generally remain for any time?—He frequently leaves at the end of a week, and I have to hunt for another.

2675. You are aware that the question of loans to fishermen has been raised under this Bill; you work upon the money of a company?—I work on my own capital.

2676. But, in fact, you work by shares?—Yes.

2677. Supposing that a grant of money was made for boats, do you think that you ought to have a share in that capital; assuming that you have now only the competition of those persons who have free capital, and supposing that a grant was made, do you think that it would be quite fair to you that competitors should be set up against you with the public money?—I should be very glad to see it; competition would be the cause of my getting a crew whenever I wanted one.

2678. Do you mean that if the fishery itself was developed by grants it would become a more general pursuit, and you would get the advantage of a larger number of the population being engaged in it?—I think so.

2679. Is there not sufficient fishing going on now

now upon private capital to induce men to turn their attention to it?—I think not. I think that if we had a larger fleet of vessels we should be better off.

2680. Then you attribute the want of men in your particular trade partly to past emigration and partly to the fact that the other fisheries which you have mentioned offer greater temptations, and partly to the fact that the particular class of fishing which you follow is not on a sufficiently extensive scale to induce a market for the men?—I think so. I should have extended my fishing trade long ago if I could have found men to follow it. Mr. Good is in the same position, but he has trained a number of men from boys, whom he can command at Dublin, that I cannot command at Waterford.

2681. Lord *Dunkellin.*] I understood you to say, in answer to the Chairman, that you thought that there was a mine of wealth in the seas, and that, on the whole, you were satisfied with your profits; but do you think that more money could be got out of the seas than is now done?—I am certain of it.

2682. In what way; how would you set about getting the full value out of the seas?—If we could fish our bank outside Waterford Harbour, as they do in Hull, where the fishermen remain for weeks, with ice on board, we should get a large quantity of fish.

2683. There is no legal impediment to the men doing that now?—No; I have brought over men from Hull for the purpose of bringing them into that system, and have failed.

2684. Fishermen are a prejudiced class?—Yes.

2685. I gather from what you say, that there is some difficulty in getting men and boys?—Yes.

2686. Can you suggest any means which would induce men and boys to be more ready in coming forward?—I think that if this Bill was carried out, we could make an agreement for men and boys for a certain time, and then we would not lose them as we now do.

2687. There is no law now against taking apprentices, is there?—I do not know.

2688. You cannot by an Act of Parliament make labour, or an agreement compulsory; can you suggest to the Committee any mode by which you could make the Irish fisheries fructify; if there is at present a distaste on the part of the people to engage in fishing operations, can you suggest any means by which you could make that employment more palateable to them?—The crews of vessels going foreign, or in coasters, are fed by the owners; we do not feed our crews.

2689. That is also a point which might be settled between you and your crews, but you could not put it into an Act of Parliament; can you state any legal impediments which interfere with the fishing?—I should be very glad to see the landed proprietors on the coast of Ireland give more encouragement to the building of fishermen's houses.

2690-1. Has that plan ever been tried by any of the fishing companies?—Yes, at Dunmore, for instance; it is the only deep-sea harbour to which we can run those boats in gales of wind; Dunmore is the property of the Marquis of Waterford; and the late Marquis of Waterford would not give encouragement for any fishermen's houses; the fishermen at Dunmore lived two miles away from the fishery, on Lord Fortescue's property.

2692. Do you know the eastern coast of Ireland very well?—Yes, as far as Donaghadee and Belfast.

2693. Do you know Howth?—Yes, very well.

2694. What sort of harbour is that?—It will not answer for our heavy boats to go there.

2695. Will it answer for the herring boats?—Yes, they only draw six feet of water.

2696. Are you aware that a company have taken land there to build fishermen's houses?—I am not.

2697. Then you do not know whether, in consequence of that, the fishery at Howth has increased or decreased?—The fishery at Howth has increased very much, on account of the herring fishery.

2698. Do you not think that the building of these houses may have had something to do with it?—I think so.

2699. Can you suggest any means which would enable you to get hands more readily?—If we had houses for fishermen, I think that we should be far better off in getting hands.

2700. People would be more ready to come?—Yes.

2701. There is no doubt that the number of fishermen has fallen off since the famine?—Yes.

2702. Do you think that that is at all attributable to the increased rate of wages inland?—Fishermen do not travel inland.

2703. But are there not a population on the coast who do not take to the sea, because they can get employment in-shore?—The labouring population get employment where they can.

2704. But in fact, when the country was more thickly populated, a great many people could not get employment, except on the sea?—Yes.

2705. Therefore one of the causes of the diminution of fishing, is the increased labour inland?—Yes; our labour has risen very much.

2706. Have you read the Bill which is before this Committee?—Yes.

2707. You know the purport of it?—Yes.

2708. What steps do you think would be most advisable for the purpose of increasing the fishery; what effect do you think that the accommodation of piers in different coves and places on the coast would have; do you think that advisable?—It would be very advisable; and I think that along with building those piers the Government should purchase the fee-simple of a piece of ground surrounding the pier, for the purpose of letting it out to boat-owners or fishermen to build their houses upon.

2709. At every place where you put a pier, would you have curing houses?—Yes.

2710. Do you think that it would be more advantageous to expend the public money in providing accommodation in the shape of piers and houses, or in advancing it in loans to the people for their boats and gear?—I think that both would be very good in improving the fishermen, and increasing the fishing on the coast.

2711. Have you any preference; do you think that if the people had accommodation in the way of piers and harbours to run for, especially on the western coast in a rough sea, they would be able to find the boats and gear themselves?—I think that after some time they would. The price of fish is now so much enhanced that fishermen, if they were men of good character, ought to save a great deal of money. When I commenced fishing, turbot and soles were only 2 *d.* or 3 *d.* a

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pound, and now we can get 10*d.* or 1 *s.*, and that is a great inducement. The fish is caught on one day, and it is in the London market on the following day; that is the cause of it.

2712. What do you think would be the effect of aiding the fishermen in the way of piers for shelter?—I think that it should be the first object of the Government to give shelter to boats.

2713. That I suppose applies to the whole of Ireland?—Yes, I take round the whole coast of Ireland, and in fact, everywhere.

2714. Are there not a great many places which might be made convenient, which now want those piers?—Yes.

2715. To carry out that object would not require a very large expense; those piers are not expensive works?—Some years ago the Government, I think, allowed 50,000 *l.* a year on the Irish coast for that purpose.

2716. For building piers?—Yes; I got a portion of that money for Waterford; I was obliged to raise 2,000 *l.* by local subscription before I could get it.

2717. You think that building these piers would tend to induce the fishermen to be more active in their operations, and you think that building houses for the fishermen would give encouragement to them?—Yes.

2718. General *Dunne.*] You approve of trawling in the bays?—Yes.

2719. In what depth of water?—In five or six fathoms water; our bays are generally about that.

2720. Would you allow the trawlers to go inside five fathom water?—They do at present in Waterford.

2721. Do you approve of that?—Yes.

2722. Do not those trawlers catch salmon in that five-fathom water?—In 30 years, I have never known more than two salmon to be got in trawlers; I do not think that it would interfere with salmon.

2723. Do you think that the fish spawn in five-fathom water?—I cannot answer that question; it is a difficult question to answer. I think that the deep water is where the spawning takes place; if the fish spawned in four or five-fathoms water, the first storm would knock up the spawn and send it ashore.

2724. Do not you think that the young fish run into shallow water?—We take up some young fish, but very few.

2725. Is that confined to Waterford?—It applies to the whole coast.

2726. You think that very few are taken up?—Not a great quantity; not more than one basket out of a dozen.

2727. You say that the proprietors ought to build houses, but that they do not build them; what object would proprietors have in building houses who did not themselves wish to do so?—I do not know; I think that if they were wise they would do it.

2728. Why?—They would get a larger rent for a piece of land which is now, perhaps, occupied as a field.

2729. Do they now refuse to do so?—In the case of the late Marquis of Waterford, he would not allow it.

2730. What was the reason of that?—I do not know; I am told that his son is going to give every encouragement to the fisheries; I know the case of Passage in the harbour of Waterford, where the Board of Works were going to erect a pier for about 150 fishermen who had no pier, but were obliged to haul their boats up on the beach; the late marquis prevented it, but I understand that his son has given orders to have it built.

2731. Do you think that that feeling of objection is general among the proprietors?—I think not; I should be very sorry if it was.

2732. Proprietors will not build houses unless they can get good rents for them?—Just so.

2733. They do not want to have a poor population?—I dare say that that is one of the causes, and that is why I recommend that the Government should erect fishing piers and purchase land for building.

2734. Do you think that the population are pauperised?—In the time of the Irish famine they were; and the length of the storms might prevent their working. I think that it would be the interest of the proprietors to build houses.

2735. As to the question of apprentices; do you not think that from the different workhouses you could get a great number of boys who would voluntarily be bound?—I think so; our poor-house is a long way from the coast.

2736. Are there not a multitude of boys who would be only too happy to be bound to an active life of that sort, instead of remaining in the poor-house?—No; our boys are mostly bound on board ship for long voyages.

2737. They prefer that?—Yes.

2738. Would you have any compulsory law to oblige a boy to go in such a boat as a fishing boat?—Certainly not. If the union could supply boys who would afterwards become fishermen, I think that it would be very wise.

2739. Would you do it by compulsion, or by the will of the boys?—A boy in the poorhouse has no will of his own; he is in the hands of the Guardians.

2740. Do you not think that in any of those poorhouses near the coast, where very often the children are the sons of fishermen who have been reduced, they would willingly follow their father's profession, and would be voluntarily bound to the trade of fishing?—We have very few fishermen on our coast of the old standard. As regards the new trawling which has sprung up in the last 20 years, the first crews were obliged to be brought from England to teach them, and you may call it a new trade.

2741. You do not think that the poorhouses would supply, by boys who volunteered, a sufficient number to add to the number of fishermen on the coast?—From inquiries which I have made in the poorhouses of the north of England, I do not think that they find much difficulty in getting boys.

2742. And why should it not be done in Ireland?—I think that it ought to be tried in Ireland.

2743. Mr. *Kavanagh.*] You say that you have had a good many boats left idle from the want of men; is it in masters or able-bodied men that you mostly find the scarcity?—Masters principally.

2744. But you still find a want of sufficient able-bodied men?—Yes, and the difficulty there is in this way: if one or two of the crew leave, you have to hunt over a great district of country to get men in their place, and thus a vessel may lie up for a month.

2745. As to the apprentices, would you yourself take them?—I certainly would.

2746. And you would make yourself responsible for them for so many years?—Yes. They get

get half a man's share. In the north of England a boy is apprenticed to the owner, and he finds him in clothes and food.

2747. If such an arrangement was made, you would undertake to take a certain number of boys?—I certainly would; one for each of our boats.

2748. Had you not a steam trawler?—Mr. Malcolmson of Waterford had one; he was a gentleman who wished to encourage the fisheries, and he tried it in Waterford Harbour.

2749. Did it succeed?—Yes, in catching a large quantity of fish, but the expenses were very high. I have known her to catch as much as 40*l.* worth in one week. She was a rather expensive boat, and I think that a cheaper boat would have done better still.

2750. She did not cover the expenses?—No.

2751. Where did she trawl?—On the outer limits, outside Dunmore.

2752. On the Nymph?—Not so far as that.

2753. But not on the inside?—Not on the inside.

2754. Do you think that it would be any advantage to have the different trawling banks on the coast of Ireland surveyed by the Government?—I think that it would be very wise. I think that it is a mystery what is on those banks; we have very little knowledge yet. Sometimes in the depth of winter our boats bring in such a quantity of fish that they cannot be purchased; they have been obliged to tow them into Duncannon, and to cut the nets, and take them away in small boats; that has been sometimes the case.

2755. Do you think that there are some banks which are not known?—I think that the best fishing is found at a greater distance from the coast. We tried as far as 40 and 50 fathoms of water, and we found very fine turbots and soles. I think that the Government ought to survey those banks, and to test what kind of fish is on them; we cannot get our fishermen to test them; they will not spend the time.

2756. In the time for which you have been fishing, have you remarked any decrease in the supply of fish?—None whatever.

2757. Or any changes?—There have been some changes; for instance, hake fishing, in the last two or three years, has totally failed on the coasts of England and Ireland. We have taken 300 in a trawl at one spot. It is the same on the western coast of Ireland, and it is the same on the English as well as the Irish coast.

2758. Did you try for them in the deep water?—Yes, in every place.

2759. And it was the same there?—Yes.

2760. With respect to loans, you said that you thought that they would be of use if they were judiciously administered?—I think that they would be very advantageous.

2761. What would you call "judiciously administered"?—For instance, a small fisherman failing to get up his gear with a small boat, might have advanced to him 20*l.*, 30*l.*, or 40*l.*, on security, to set him afloat.

2762. Upon what security?—The Government should get solvent security, or a lien on the plant.

2763. Do you think that such a thing as a boat or a net would be a sufficient security for a sum of that sort?—I should require some further security than the boat and plant.

2764. Supposing that that could be managed, and that the difficulty of the security was got over, do you think that it would be an advantage, and would tend to develop the fisheries of the coast?—I think so; I think that the Society of Friends, some years ago, tried it in Ireland among themselves, and found it to work pretty well.

2765. What class of men do you think would be most likely to avail themselves of those loans?—I think principally the small-boat fishermen, and not the large trawlers.

2766. Mr. *Cooper.*] With respect to the apprentice system, has it been tried in France?—I do not know.

2767. Have you any cod fishery off Waterford?—Yes, a very large quantity of cod.

2768. They are caught by the line, are they not?—No, we catch them now in trawls. In last February I have known from 80 to 100 cod brought up in one of our trawling apparatus.

2769. Were they full of spawn then?—No, they were in prime condition. They disappear after March, and wherever they go we cannot find them out. They do not come in shore, for if so they would be caught in the smaller trawls; they go out into the deep.

2770. Where do you find them in January and February?—In 30 or 40 fathoms water, cod and ling and haddock of a very fine description.

2771. Do the line fishermen catch them off Waterford?—They do off Dungarvan.

2772. Have you heard any complaints of the lines of those fishermen being taken away?—No, the trawlers do not interfere with them. It is not their interest to do so. The line fishermen are usually inside.

2773. You have spoken about fishery inspection; do you think that there would be any advantage in having more fishery inspectors appointed?—I think that it would be very wise to have the coast constantly inspected. I think that 30 or 40 years ago there was a constant inspection of our coast.

2774. What good did it do?—A good deal of encouragement was given. I think that loans were then granted.

2775. Do you think that any great advantage would arise from inspection?—I am certain of it. The Commissioners would be supplied with information for the fishermen, and would give them advice how to fish.

2776. Then they would have to interfere with the fishermen?—Yes.

2777. Would the fishermen like that?—Yes, I think that they would be very glad to see the inspectors come round.

2778. Some of the witnesses have spoken about a close season for deep sea fishing; do you think that any advantage would arise from that?—I do not think that it could be carried out.

2779. Do you know Dungarvan at all?—Yes.

2780. Used not that to be a great fishing station?—Yes, for line fishermen only.

2781. Would not those line fishermen ship on board your trawlers?—They would not know how to work a trawl.

2782. But I suppose they would learn?—They should spend their life-time at it in order to be efficient. To work a 40-ton trawl is a very heavy work; they would very soon let it go and lose it, and it is worth 40*l.* or 50*l.*

2783. You have spoken of houses for the fishermen; would you give them any land with those houses?

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houses?—Yes, a garden to encourage them to produce vegetables.

2784. You would not encourage the system of half-farmers and half-fishermen?—No; we have found the evil of that system at Dunmore; our deep-sea fishermen leased an acre or two of ground from Lord Fortescue, and whenever there is a fair or a market, or whenever they want to sell their produce, they leave the boat idle. I think that deep-sea fishermen should not be attached to land; the line fishermen might be.

2785. The line fishermen at Dungarvan never go far from the coast?—Just so; they might combine fishing with farming, but the deep-sea fishing men should not do so.

2786. Is the market for fish at Waterford local, or do you send the fish to London?—We have local buyers and foreign buyers; all the fish is sold in one hour.

2787. Is the fish which is sent away packed in ice?—Yes.

2788. And it is sent to England?—Yes.

2789. Mr. *Ion Hamilton.*] You have spoken of a profit two years ago of 19 per cent.?—Yes, that occurred to the Hull boats; I think that the inshore fishing is working better this year. I think that if the boat works at Waterford as she is at present working she will pay 30 or 40 per cent.

2790. Does not the size of the mesh vary very much?—No.

2791. What is the size of the mesh; is it three inches?—It varies in size; as you get down to where the fish is caught, the mesh is small.

2792. Sir *Henry Winston Barron.*] On the average, what would you say that your fishermen earn throughout the year?—It would be very hard to tell that; in storms they earn nothing; I think that on the average of the year, if they work their boats properly, they ought to be worth 1 *l.* a week each man.

2793. You must be aware that a labouring man, who is not a fisherman, cannot earn, on the coast, 10 *s.* a week?—That is about his wages.

2794. On the average, taking the year round?—Yes, if he is constantly employed.

2795. If your men earn double those wages, it rather puzzles me to understand why more men do not turn into fishermen, and why you have such a scarcity?—We find a want of men.

2796. You are aware that there is a considerable population along that coast, in villages of all kinds, and that several of those men are very often not employed?—You will not find that on the coast of Waterford now. You know Passage; Passage I think this year is employing 150 fishermen after salmon.

2797. If you go round to Ballymacaw, and so on, you will find that a great number of men are not constantly employed?—They are not men whom you could employ for trawling.

2798. But there is a constant supply of young men growing up, and there is a considerable population, and many of these men have not constant employment, at least they have told me so. You are aware that a great number of young men are constantly growing up in a populous district like that which is alluded to, who have not constant employment all the year round, and who find it difficult to earn 10 *s.* a week?—On that coast the young men are principally employed in the summer time after lobsters. In winter time we could get them very easily.

2799. You say that your men earn very nearly 1 *l.* a-week on the average?—As nearly as I can guess, they ought to earn 1 *l.* a week. When the men of the boat earn 1 *l.* the master earns 30 *s.*

2800. You have spoken about no spawn being taken in your nets, that you ever heard of or knew?—I never saw it.

2801. Are you aware of what we have been told by others, namely, that the nature of the spawn, and the size of it, is such that it could not be taken in your nets; that you might disturb it and carry it away, but that the meshes of the net would allow it to escape, to a great extent?—I have only to say that I have not seen it.

2802. The nets would not contain the spawn, although they might disturb it and carry it off?—Yes.

2803. Your vessels are of a large character, and therefore do not go very near the shore; about what distance from the shore do they go?—They fish from 15 to 20 miles off.

2804. With respect to fry or young fish, some witnesses have told us that the fry are generally found nearer the shore than that?—In the outer ground we find more small fish than we do in shore.

2805. Some evidence which we have had has given us to understand that the fry are generally found rather nearer the shore than in the deep water?—I am not aware of that. We find that our deep sea boats, in a 40-fathom depth, get more small fish than they do inside.

2806. We commonly call it "fry," is that the proper term?—I think so; they are young fish.

2807. You think that you get more in the deep water than in-shore?—We do.

2808. Colonel *Tottenham.*] Do you say that your men employed in trawling earn 1 *l.* a week all the year round?—As nearly as I can calculate.

2809. Can you give me any idea of what the line fisherman will earn?—Line fishing has failed on all our coasts for many years.

2810. Would a line fisherman be capable of being employed in trawl boats?—Yes, after many years' teaching.

2811. How long would it take for those boys, which you speak of, to become useful?—Five or six years.

2812. How long would you apprentice them for?—For about five years; I think that that would be the proper time.

2813. You would teach them their trade, and then let them support themselves?—Yes.

2814. Have you ever made any application to the guardians for those boys?—Never.

2815. Then you do not know that you might not yourself introduce the system which exists at Hull, and which you think so desirable?—I should be very glad to do it.

2816. With regard to the fishermen's houses, are there not a good many fishermen's houses in the different small harbours in the Waterford estuary?—Not a good many.

2817. Are there not a good many at Arthurstown?—No.

2818. Are there not a good many at Ballyhac?—There are some cottages there; Passage is the principal place.

2819. As to the fishing-piers, you complain that those built by the Board of Works have been useless?—As far as I know of them on our coast, they have been total failures.

2820. Were

2820. Were they failures from the first?—Yes.

2821. How would you propose to have them built in future?—They have generally built them out from the shore, and they have afforded no shelter.

2822. Under what agency would you have them built?—I think that the Board of Works might be allowed to build them for the future, but that they ought to take local advice about them.

2823. Mr. *Malcolm.*] You spoke just now of a Committee of the Society of Friends establishing themselves at Belmullet and at Bantry Bay; you seemed to think that they were a success?—I do not know that; I know that they have tried it.

2824. You do not know that, after being worked for about three years, they failed, and that the remnants were brought up to Dublin, and there sold?—I did not know that.

2825. Sir *Henry Winston Barron.*] When you take in your trawls a considerable quantity of the fry, are they dead or alive in your nets?—Some are alive and some are dead. A trawl is generally out for six hours, a whole tide, in deep water, and at the end of the six hours they heave it up to the side of the ship, and the fish are taken out, and some are alive and some are dead.

2826. What do you generally do with the fry?—The small fish are brought in and are sold.

2827. Are they sold whether dead or alive?—Yes.

2829. General *Dunne.*] Are not all plans which are made for the Board of Works deposited in some place for the inspection of the persons in the locality?—I think that there is notice in the papers about those matters; I think that the plans are lodged in the county offices.

2830. They are open to the inspection of the local people?—Yes.

2831. And you think that advisable?—I think it very advantageous.

2832. Mr. *Herbert.*] What is the great difficulty in trawling, so that it takes a man six years to learn it?—I have known men who have been occupied in it for 10 years, and I could not make trawlers men of them.

2833. What is the great difficulty in it?—There are a great many pieces in a trawl which are put together, and there are different sized meshes, and a proper trawl man in the very middle of the night if he tears his net in a storm will mend it.

2834. In fact, it takes a man six years to learn to mend a net?—Yes; it may take him a great deal less if he is clever.

2835. With average brains it will take him five years to learn how to fish and to mend a net?—Yes.

2836. Colonel *Tottenham.*] You have complained that your crews left you last year without notice; was it because they were engaged in agricultural pursuits?—No; they generally go to sea on board ships at Waterford, without giving the slightest notice.

2837. Some of your men have been engaged in farming, have they not?—Yes.

2838. And they have left in consequence?—Yes.

2839. *Chairman.*] In answer to an Honourable Member, you have stated that most of the companies in Dunmore were successful; you mean, I believe, small companies, worked and owned by practical men?—Yes; large companies hardly ever succeed.

2840. Some large companies have from time to time been started in Dunmore; have not those companies turned out failures?—Yes, when fish was only 2 *d.* per pound; it is now 10 *d.* and 1 *s.*

2841. An Honourable Member asked you whether a great portion of your operations in trawling was not confined to the deep sea; and whether you did not take up spawn there; have you not yourself trawled in a small trawl in the shallow waters of the Waterford estuary, without taking up spawn?—I never heard of spawn being taken up.

2842. Have you read the portion of Captain Brabazon's evidence, in which he said that a trawl would plough up the ground in the same manner as a plough would do so on dry land?—Yes.

2843. Is that a correct description?—I think not; the trawl irons pass over the ground like the large wheel of a car, and they hardly make an indent, and there is a rope which passes over the ground without injuring it.

2844. Mr. *Maguire.*] Is it your opinion that there are sufficient piers along the coast of Ireland to suit the fishermen in the protection of their boats?—I think not; I think that the attention of the Government should be first directed to that point.

2845. A gentleman with assumed official knowledge, has stated that no additional piers are wanted in Ireland at all; do you agree with that statement?—I do not agree with that gentleman.

2846. You entirely dissent from his statement?—Yes.

2847. To what portion of the coast would your evidence apply, where you think that piers are wanted?—There is one very bad point in Tramore Bay, on the west side of Waterford Harbour.

2848. Will you mention some other places?—Rhynashark Harbour is a bar harbour in Tramore Bay.

2849. To what counties does your knowledge extend, with reference to the question which I am now addressing to you?—I am pretty well acquainted with the coast of Ireland, and particularly with the southern coast of Ireland; from Kingston Harbour to Dunmore, we have not a single harbour to get our trawlers into in a gale of wind coming along the Wexford and Waterford coasts.

2850. For how many miles is that?—About 120 miles.

2851. For that distance you say that the coast is quite unprotected, so far as fishermen are concerned?—Yes, for large fishing boats; there are small harbours for small fishing boats.

2852. You say that there is not sufficient accommodation for large boats on that 120 miles of coast which you now specify?—There is not.

2853. Is there sufficient accommodation for small boats, or is any required?—The small boats for fishing are principally idle in the winter along that coast, except in Wexford Bay.

2854. Are there no storms in the spring and summer and autumn?—They generally keep their boats safe in the summer time. They have the long days and the short nights.

2855. Is there sufficient protection for small boats, and therefore no want of piers for them?—The boats from Kingstown to Waterford,

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which are used along that flat coast, are small boats after herrings.

2856. Do you think that it is necessary to do anything along that extent of coast to which you refer, for the protection of fishing boats, large and small?—Yes; for instance, Kilmore harbour, on the Wexford coast, which was built by the Board of Works; it is totally unprotected; fishermen cannot fish there in the winter. The Board of Works built a pier there which cost 6,000 *l.*

2857. Is it badly constructed?—Yes, fishermen are obliged to go to the old pier, which was built 200 years ago.

2858. Did the Board of Works build that pier on their responsibility?—Yes, they sent down their foreman, and built it.

2859. Did they ask the assistance of the locality?—They got assistance from the county.

2860. How long ago is that?—About 10 or 12 years ago.

2861. And that pier, erected at such a large cost, you say is not at all beneficial for the purpose intended?—Not at all.

2862. It is no protection to boats?—Not at all.

2863. Is it dry at low water?—Yes.

2864. Those who constructed it at that time I suppose saw that it would be dry at low water, did they not?—If it is dry at low water it ought to have some protection from storms. There is no protection from storms.

2865. In your opinion why is it that large companies fail, and small companies succeed?—The large companies generally employ a large staff, and do not mind their business.

2866. And I suppose that the staff is costly, and cuts up a great deal of the profits?—Yes; I knew a large company at Liverpool, some years ago, which got up a great number of first class boats, which cost 900 *l.* each, and in two years afterwards, when the company failed, I bought them for 250 *l.* They had so many clerks and agents, that they went down in two years.

2867. If any attempt was made in Ireland to promote fisheries, what would you advise to be done; would you advise that it should be by individual enterprise?—I think that individual enterprise is the best plan; or if you could interest the master of a boat by his having a share in the boat, and also a share in the fish, it would be a means of his being interested, and so keeping his crew at work.

2868. In fact you recommend a system of co-operation, a copartnership?—Yes.

2869. So as to give each person an individual interest in the success of the undertaking?—Yes.

2869*. And you think that a large and expensive undertaking with a large staff would generally fail?—Yes.

2870. Is your opinion in favour of small loans to fishermen?—I am in favour of assisting poor fishermen, by granting loans upon proper security.

2871. Do you think that if there was a judicious system of loans, it would be attended with benefit, or with injury?—I think that it would be a great means of doing service to the fishing population of Ireland.

2872. Would it, in your opinion, be attended with a great risk to the Government, or to any public department?—I think not, if they got security; they might have the security of the plant, as well as individual security.

2873. Colonel *Vandeleur.*] Do you know anything about the Irish Sea Fishery Company?—I have heard of them, but I do not know them.

2874. Have you heard anything about their proceedings, that they are at present in a rather flourishing condition, and that they have been working on a large scale?—I am glad to hear it. I may state that I am connected with three trawlers, and that I have other boats besides.

2875. Mr. *Maguire.*] I understand that you are in favour of allowing trawlers to go everywhere, in shore as well as outside?—Yes, to follow the fish wherever they can catch them.

2876. Have you heard of complaints made by people who had their lines along shore, of their being torn up and destroyed by trawlers coming too close?—Not in our neighbourhood.

2877. If such a complaint was clearly established, in that case, would you give full permission to a large boat to destroy the property of humble and helpless men?—Certainly not; I would protect them; I would have a law to protect them.

2878. If there are lines along shore, and if people, having boats, pass the deep, do you think it fair that a powerful boat should trawl right amongst those lines?—I think that it would be very wrong.

2879. Colonel *Annesley.*] But in answer to my question, you said that you were for doing away with those restrictions which now exist?—I would do away with the restrictions which exist as to trawling, between headlands and in estuaries.

2880. How do you reconcile the two answers?—We have not much to do with line men.

2881. General *Dunne.*] You have stated that Kilmore and Duncannon Piers are useless?—Yes; they each cost 6,000 *l.*

2882. Colonel *Annesley.*] Have you ever considered the question of a five fathom limit, or a three mile or five mile limit from the land?—As to a five fathom limit in our harbour, it varies in every half mile; you can find 10 fathoms of water inside the harbour.

2883. Generally speaking, with your knowledge of trawling all round the coast, do you think that it would be a good plan to have the limit of a five fathom line, or the limit of any number of miles from the shore, say three or five miles?—I am against any restriction whatever; I think that the fish should be brought to market from any place where they could be caught.

2884. General *Dunne.*] Are those piers to which you have alluded under the counties or under the Board of Works?—The Board of Works, one or two years after they built them, got a Bill brought into Parliament to transfer them to the counties, and so far as regards Duncannon Pier the county never paid the slightest attention to it.

2885. Mr. *Herbert.*] Do you not think that by your killing fish wherever you could find them, the sea would in time become the same as the salmon rivers, namely, that the fish would decrease?—I do not; the salmon has decreased this year.

2886. You know very well that the salmon have decreased very much in the rivers in Ireland, both in size and in quality, and in every respect?—I have been for more than 20 years catching salmon, and I know everything about them.

2887. Have salmon increased since the last

Fishery Act?—Last year they were very plentiful, and this year they are very scarce.

2888. For years before, were not the salmon decreasing in Ireland; are they increasing or decreasing in Ireland now?—I do not think that the law has affected the increase at all.

2889. Were they decreasing very much in the rivers before the Act was passed?—I have known years of fishing for salmon previously to the late Act, when salmon were twice as plentiful as they are now.

2890. Then you think that the more fish you can kill, the more they will increase?—Yes.

2891. In fact, that if you kill the goose which lays the golden eggs, the more golden eggs you will have?—I do not agree with that. It is very hard to find out the habits of the fish.

2892. Lord *Dunkellin.*] What are the regulations at present with respect to trawlers, and herring, and mackerel boats?—We have very little to do with them; our coast is very little fished by herring and mackerel boats now. I think that the distance is three miles. I think that if a trawler commences first, it should not be driven away by the herring boats.

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2893. Then you object to that restriction being retained in the Bill before us?—Yes.

2894. Colonel *Vandeleur.*] Have you ever tried steam trawling in salmon fishing, as well as for trawling for soles?—Never; it is too expensive.

2895. Have you heard that it was attempted in the Shannon?—Yes.

2896. And that it failed?—I do not think that it succeeded there.

2897. I think you stated that the steamer did not pay her expenses?—A proper steamer trawling in the Waterford estuary would have paid well; but this boat was too expensive, she was never built for the purpose, she was a tug boat.

Mr. Robert Savage, called in; and Examined.

2898. *Chairman.*] You were formerly in the Coast Guard Service in Ireland?—Yes.

2899. How many years were you in the Coast Guard service?—About 20.

2900. When did you leave it?—About 20 years ago.

2901. You held the rank, latterly, of chief boatman of a station?—I had charge of stations generally.

2902. During the time that you were in the Coast Guard service, you were usually stationed upon the western and north-western coast of Ireland?—Generally.

2903. Did you pay a good deal of attention to the fisheries during that time?—Very much.

2904. When you left the Coast Guard service in 1840, I believe you went into fishery pursuits with Sir Richard O'Donnell?—I was in partnership with Sir Richard O'Donnell, of Newport.

2905. And you continued in partnership with him for, I believe, five years?—For some time; I cannot say how long.

2906. After that you entered into fishery enterprises on your own account?—Yes.

2907. You then, I believe, settled at Belmullet, in the county of Mayo?—I first fished, for some years, off Achill Head, and then I settled down in Blind Harbour, off Belmullet.

2908. How many years have you been carrying on fishing operations at Blind Harbour, in the county of Mayo?—About 12 or 14 years.

2909. When you first went there, I believe very few people were engaged in those operations?—About 10 families.

2910. How many boats were there then?—Only three or four boats.

2911. You then extended your operations upon the north-eastern coast?—I took farms of 1,000, 2,000, and 4,000 acres, and I built a coast-guard station and cottages, and built huts, and reclaimed the land, and collected a great many of the poor people, wanderers in fact, and got huts built for them, and taught them to fish.

2912. You extended your operations on each side of Blind Harbour upon the south-west, and upon the north-east, did you not?—Yes.

2913. And you established two fish stations?—Yes, subsequently.

2914. At all those places, when you went there first, what was the total number of men and boats employed?—I cannot say positively; there were a few boats in each place; there were not many boats.

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2915. I think that the whole number of boats along the coast at that time did not amount to more than 25?—About 25, I think, in Gladery, and 25 in Portacloy; 300 in these places.

2916. And the whole number of men, I think you have told me, was not more than about 200?—Yes, employed in the fisheries.

2917. When your operations were at the highest, were not about 80 boats employed?—Yes, fully 80 or 100 boats.

2918. And about 900 men?—About 900 or 1,000 men, in fishing, curing, salting, spliting, and drying.

2919. That increase, I believe, was entirely owing to your operations?—Chiefly.

2920. The boat which is employed upon that part of the coast is called a curragh?—Yes.

2921. Will you state how a curragh is made?—It is made of calico, with tar-barrel hoops; the hoop forms the body of the curragh, and very thin boards are cut 15 feet long, and calico is put over it with tar.

2922. What is the general tonnage of a curragh?—About two tons.

2923. They carry four men each?—Yes; and they are good sea boats.

2924. You also established curing houses, I believe, at each of your three stations?—Yes.

2925. Your operations are now entirely confined to Blind Harbour?—Yes.

2926. Has not that arisen from your not being able to come to a settlement at the other two stations with regard to the land?—At the first station which I built I did not get a lease, and I gave it up.

2927. And the same answer applies to the other station?—Yes.

2928. Therefore you are obliged to confine your operations to Blind Harbour?—Yes.

2929. But you could have carried on your operations at the other stations if a lease had been granted to you?—Yes.

2930. At Blind Harbour you have a curing-house?—Yes.

2931. And you have built houses?—Yes.

2932. How many men have you employed at Blind Harbour?—About 100 men are employed in fishing.

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2933. And about how many boats?—Twenty.

2934. I believe that your operations are nearly confined to long and short line fishing, are they not?—Long lines and nets; spillets.

2935. Do you find that there is ample employment for all the boats which are in operation in this harbour?—Yes, and that a good many more might be employed.

2936. Do you consider that there is a supply of fish on that part of the coast capable of giving employment to a considerably greater number of men than are now engaged?—I am quite certain that there is.

2937. Was not there a considerable emigration from that part of the coast?—A great number of men went out two years ago.

2938. Have a number of men returned, and are they now under your superintendence?—Almost all of them came back to me again from America, and are now living on my farm.

2939. And they are now engaged?—Yes, they came back helpless.

2940. They are now engaged under you at wages sufficient to remunerate them?—Nearly so; that would be the case if they had material for themselves; the poor fellows have not material for fishing.

2941. What is the cost of a curragh, with nets?—It will take 25 *l.* for each curragh; that will be with spillets and nets, and with four men complete.

2942. How much on an average in the year would one of those curraghs earn?—About 150 *l.* a year.

2943. Why are not a greater number of people on that part of the coast engaged in fishing, when it is so remunerative?—There have been several very bad years; they sold their property and went to America, thinking that they would better themselves, but they came back helpless.

2944. Is it the fact that, on that part of the coast, they do not engage in the fisheries from the want of means?—Yes; very many of them are very poor.

2945. If they had the means, do you think that they would engage more in the fisheries?—Decidedly they would.

2946. Do you think that if loans were granted to them, they would be likely to be repaid?—I am certain that they would.

2947. Did you ever advance loans to those people yourself?—I got 100 *l.* from a society in Dublin for the fishermen, and got time to repay it.

2948. Have you ever advanced anything out of your own pocket?—Yes.

2949. Have you always been repaid?—Yes; some of the poor men went to America, owing the money, and afterwards remitted the money from America, so that I never lost anything.

2950. Do you think that if loans were granted more extensively upon that part of the coast, it would lead to increased employment, and to a considerably increased capture of fish?—I am quite certain that all that the fishermen require now, is means to purchase gear to make themselves independent.

2951. In consequence of the distance of Belmullet from the large markets, are you not obliged to depend in a great measure upon local markets?—Yes.

2952. You have established a curing-house there?—Yes.

2953. And when you cannot get a sale for your fresh fish, you cure it?—Yes.

2954. I believe that good turbot are sometimes sold for 6 *d.* each?—I have seen turbot sold from 2 *s.* 6 *d.* to 1 *s.* 6 *d.*, 1 *s.*, 6 *d.*, 8 *d.*, 3 *d.* each.

2955. Mr. *Herbert.*] A turbot, of what weight do you call a good turbot?—Twenty pounds.

2956. *Chairman.*] Would it not be essential for the development of the fisheries upon that coast to have encouragement given by the establishment of curing houses, in order to preserve fish for which there is not a sale?—It would be a great encouragement to the poor fishermen.

2957. Do you think that if the Government offered encouragement in the way of curing houses, it would be likely to be availed of?—I am certain that it would, from long experience.

2958. When you first commenced your operations at Blind Harbour, were not the means of landing fish there very deficient?—Not immediately at Blind Harbour, but round seaward; there are very high cliffs and a very heavy sea.

2959. Did you ever apply to the Board of Works for assistance to make those landing places which you speak of?—I did.

2960. Did you offer to give the necessary portion yourself to have them completed?—I did.

2961. Did the Board of Works consent to making those landing places for you?—They made one landing place two miles seaward; they granted two-thirds, and I paid one-third.

2962. Between the time when the Board of Works agreed to give assistance and the time when they completed the landing pier, how many years elapsed?—I think 12 years.

2963. Are the Committee to understand you that from the time when the Board of Works approved of the application, and agreed to give their portion of the money, 12 years elapsed before they completed the pier?—No, about 12 years altogether.

2964. Did you ever apply to the Board of Works for assistance for any other places?—I did; in Blind Harbour through Captain Boyd; he took soundings at the entrance of the harbour, and he got a steamer in, and went and examined the rock and took soundings, and said that he would represent it to the Board of Works.

2965. Did you make a formal application to the Board of Works?—Yes.

2966. Did you get any reply?—No; it is understood to be a rule of the Board of Works that no person need make an application for pecuniary assistance, unless he is prepared to pay one-third.

2967. You were willing to pay that one-third?—Yes.

2968. Did the Board of Works take any notice of the application which you made in that particular instance?—No.

2969. How long ago is it that you made that application?—I cannot say; I am not positive.

2970. Is it two years ago?—About two years ago; I cannot say.

2971. During the time that you have been carrying on your fishery operations at Blind Harbour, did you ever see a fishery commissioner come to visit you there?—No.

2972. During the 10 years that you have been carrying on your operations at Belmullet, did an inspecting commissioner of fisheries, either Mr. Ffennell or Mr. Barry, ever pay a visit to that

that particular place, so far as you recollect?—No. Mr. Brady was down there about two years ago. I met Mr. Ffennell at our fishery meetings repeatedly.

2973. Did either Mr. Barry or Mr. Ffennell, the two inspecting commissioners of fisheries, come to your fishery station?—About 12 years ago Mr. Ffennell was down there, but I have not seen either of them since.

2974. Mr. Brady, you say, paid you a visit on one occasion?—Yes; and it was on account of his coming that he represented in Dublin the necessity of a landing-place for the poor men, in order to save their lives.

2975. You never saw anybody from the Fishery Board?—No.

2976. So that, as far as you were concerned, there might as well have been no Fishery Board in existence?—Yes.

2977. Do you think that it would be calculated to encourage the development of the fisheries, if some officer from the Fishery Board occasionally visited them?—A practical inspector is required. If the fisheries are to be carried on, they must be carried on by a practical man who can go to sea, and who can teach men how to fish on that coast; and he must be a gentleman, or he cannot command respect; he must be a practical man in every sense of the word, able to do his business.

2978. You, having yourself served in the coast-guard, do you think that encouraging the sea-coast fisheries would be calculated to form a nursery for seamen in the Royal Navy?—I am certain of it.

2979. Will you mention what occurred in your own experience during the Crimean war with regard to the coast population?—I appealed to my fishermen, and asked how many would go; the very best young men that I had stepped out, and four or five went; they were as good young men as Ireland could produce.

2980. Besides the benefit which would result in the way of the capture of fish and the employment of fishermen, would not a great many other parties be encouraged, namely, the makers of nets, and so on?—Every trade in the country, from the landlord down to the beggar, is benefited by the fishery.

2981. Do you consider that, generally speaking, on your part of the coast it is desirable for a fisherman to have a little land to cultivate?—In parts of Ireland it is very necessary; in Galway Bay it may not be necessary, but from Galway, going round to Achill and Clew Bay, the fishermen could not exist unless each of them had a small quantity of land.

2982. Does that arise from their being only able to follow the fishing at certain times, when the weather permits?—A man living at a distance from a town requires some little land and grass for his cow.

2983. Do you remember the operations of a large fishery company off your coast at one time?—I do.

2984. Did they not turn out rather unfortunate?—Very unfortunate.

2985. But during the time that they employ themselves, did they not capture a large quantity of fish?—I think that it was a pleasure excursion; it was not fishing. I was on board one of their vessels for a day's pleasure.

2986. The curraghs which they employed captured a large quantity of fish, did they not?—Yes, the poor men of the country got a good price, and they did well for that season.

2987. Do you think that boats of a large size, say 20 tons, would succeed on your coast?—In parts of the coast they would, and in parts not.

2988. From what distance from your coast does a curragh go out?—Fifteen miles.

2989. If a 30-ton trawler could go beyond that, would there be encouragement for fishing operations?—The trawlers are not required there at present. What we want in that part of the country at present is something to improve the population, and what will improve the population is nets and lines.

2990. Would there be encouragement for boats of a large character to fish further out to sea?—Yes.

2991. Is there a good harbour?—Broad Haven is a good harbour, and Black Sod Bay is a good harbour.

2992. Will you point out upon the map where your operations are. (*The Witness pointed out the same.*)

2993. Is there any trawling carried on upon your part of the coast?—No, not now.

2994. Were you ever engaged in trawling?—No.

5995. Is there an opportunity for planting oyster beds there?—There are great opportunities?—Black Sod Bay, I may say, is all oysters.

2996. Do you think that they might be cultivated to a larger extent there?—Certainly.

2997. Mr. *Herbert.*] Did you ever apply to the Board of Works and get no answer from them?—I did.

2998. When was that?—I cannot say the time.

2999. About how long ago?—Three or four years ago.

3000. Did you apply three years ago with regard to making a landing place in Blind Harbour?—I did; this was on Mr. Brady's arrival that I made the application.

3001. Did you get an answer to that application?—No.

3002. Were you ever contractor in Blind Harbour for the Government or for the Board of Works?—Never, except that they gave a grant of the pier; and I was told that if I got the pier done, so much money would be paid for it, and that I should have to pay one-third; it cost more than that.

3003. Colonel *Vandeleur.*] Who built the landing-place?—There is no landing-place built. The high cliff was cut down from the mountain side to the sea, so that people could save their lives in landing.

3004. Who did the work?—I did.

3005. Who paid for it?—The Board of Works paid two-thirds, and I paid one-third.

3006. You were the contractor?—I suppose so.

3007. It was not a pier, but it was a landing place?—Yes.

3008. And you were the contractor for the landing place?—Yes, I paid one-third.

3009. You got what you asked for?—Through Mr. Brady, I did; and not till Mr. Brady came down and went to Dublin and got it for me.

3010. It was impossible to build a pier there?—Quite impossible; piers are not required on that coast at all.

3011. What description of boats are used?—Curraghs.

3012. Curraghs only?—Some row-boats are used; but, generally speaking, curraghs are the best fishing boats.

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3013. Why are piers not required on that coast?—We have no trade.

3014. The curraghs are boats which two men can lift, and they put them above the rocks?—Yes. There is a long distance seaward, where there is no harbour, and in the winter time these curraghs require landing places. Eight slips can be made for the price of one pier; the slips are the most necessary for the fishermen on the coast.

3015. Do you know Mr. Hector?—Yes.

3016. He had a fishery upon Achill Island?—Yes, a salmon fishery.

3017. Did he not also provide boats for the people there?—Yes, for the salmon.

3018. And for line fishing?—I am not aware.

3019. Are you not aware of Mr. Hector's operations on Achill Island?—No, excepting as regards salmon fishing.

3020. He had a curing-house?—Yes; and he caught a large quantity of salmon and winkles, and all kinds of fish.

3021. Are you aware whether he purchased all sorts of fish from the fishermen on that coast?—He preserved all descriptions of meat and fish of all kinds; he had an establishment for sending it off to London.

3022. Were his operations beneficial to the people?—Every operation which gives employment to the people in that country, is a benefit to them.

3023. You have stated that there were at first 25 boats and 200 men fishing, and that they increased to 100 boats and 900 men?—Yes.

3024. Had you purchased the property at that time?—I did not purchase the property at all.

3025. I thought you said that you purchased 3,000 acres?—I did not say so.

3026. You rented that land, and had a lease of it?—Yes.

3027. Were these fishermen living upon it?—No.

3028. Do you mean to say that you employed 900 men at one time?—I had about 900 men employed at one time.

3029. How many years ago is that?—Six or eight years ago; it was at the very time when I saw one of the Honourable Members of this Committee there.

3030. They were all fishing in curraghs?—Yes.

3031. You purchased their fish?—Yes, and I advanced them gear and money occasionally.

3032. Were many of these men living upon the land which you held yourself?—Yes, a good number. I think I have stated that I located a good number of them there. I built houses for them.

3033. Are the people whom you located all there still?—Yes, and they are the most comfortable of any fishermen upon the coast.

3034. What do you do with the fish?—They bring the fish to Belmullet market, and it gets a very good sale, except turbot.

3035. It is nearly all sold for local purposes?—Yes; there is a very good market. Lately, the winter was so very severe on the poor families round the coast, that they were reduced to the lowest ebb; they were almost starving. We caused a real exertion to be made, and we brought out the fishermen, and the consequence was that, in the small course of Blind Harbour alone, we killed, I think, from 1,200 to 1,600 dozen of ling in about 14 days, and landed them.

3036. That was by your encouraging the work?—By my son's encouraging it. He was going to America, and I asked him to remain at home and to lead the fishermen on, and he went with them himself at night.

3037. Why would not they go on their own account?—The coast there, from the want of slips, is most dangerous, and the sea is very heavy, and it requires great courage to go into it in small boats.

3038. There are very few places where you can land at all?—Just so, except a place two miles seaward of my place, if a slip was made at Aughadoor; and there is another place seaward about six miles further, which will be of great use to the country.

3039. Is there not a place inside Eagle Island?—That is the very spot to which I allude.

3040. Were any lives lost this year?—No.

3041. Is there a slip inside Eagle Island?—No; they could not land there; it is a very dangerous landing place.

3042. Could it be improved?—Yes, if the landlord would give one-third; but he will not give one-third.

3043. Did not the population all through Belmullet and Achill decrease immensely?—Yes.

3044. It is very poor land, is it not?—It is not very poor.

3045. You have spoken of the oyster trawling in Black Sod Bay?—Yes.

3046. Are there many boats dredging there for oysters?—Formerly a great number of the country people earned their bread by dredging; but now, as the beds are licensed by the different proprietors on the coast, dredging has almost ceased; and the gentlemen who have it at present, like the dog in the manger, will not improve the beds themselves nor allow the country people to improve them.

3047. How would you improve them?—If I had a license, and if I had the beds, I would try and improve them. I think that we had more oysters when the public were allowed to dredge than we have now.

3048. Are not the public allowed to dredge in Black Sod Bay; it is a large place?—It is a large place.

3049. You have stated that Black Sod Bay was famous for oysters?—Yes, it was.

3050. How is it that it has diminished so much?—Every one there has an oyster bed laid out for himself. They may have seeded their beds, but I am not aware of it.

3051. You have never tried laying down oysters yourself?—No; I have not a place for it.

3052. Do you know how much it costs to lay down a stock of oysters?—I do not.

3053. Mr. *Maguire.*] With respect to the curraghs, what is the extent of an ordinary curragh in the beam?—About five feet beam.

3054. And of what length?—24 or 30 feet.

3055. How do you protect so delicate a texture as calico from being pierced through by accident?—They are very strong.

3056. They are well lined with timber?—Yes; and the paddle is very light. I would rather go in a curragh in a heavy sea than in a four-oared boat.

3057. I understand you to say that slips and landing places are just as necessary for those small boats as piers and harbours are for larger vessels?—They are.

3058. Was the work which you say took 12 years

years before it was completed, properly done when it was completed?—I think so.

3059. Did it satisfy all the requirements there?—It did.

3060. You said that you wrote to the Board of Works with regard to another work, and got no answer; did you write a second time?—No.

3061. Why did you not make a second application?—Captain Boyd said that he would get it done, but the brave gentleman was drowned in Dublin; he was an active and energetic officer.

3062. You did not think it worth while to write again?—I did not wish to trouble the Board of Works.

3063. But you say that several works of that description are required for the protection of small boats along that line of coast?—Yes, for the improvement of the fishery.

3064. They are absolutely necessary?—Yes, for the improvement of the people.

3065. Do not you think that it would be a great advantage if these gentlemen who represent the Board of Works came round the coast, and visited the several parts of the coast, from time to time?—I do.

3066. You think that an intelligent man representing that Board, would acquire a great deal of information by constant inspection?—Certainly.

3067. Then you would recommend it?—Yes; in my opinion it would be of great service to the country.

3068. As to the character of the people, just give the Committee your experience of the people there; are they naturally idle, or are they really willing to work if they had the opportunity?—There are not men in Ireland more willing to work.

3069. That is the result of your long experience of them?—Yes; I say so without any hesitation whatever.

3070. Do you find that even in bad weather they are ready to brave the sea?—Sometimes the boats go to sea, when I am so uneasy about the poor men, that I have often gone to the cliff, and have taken out my glass, and watched them for hours together; they have gone out in that weather for the sake of providing for their families.

3071. There is no lack of industry on their part?—None whatever.

3072. And the only deficient thing is means and capital?—Yes.

3073. Do you think that if those means were provided for them, they would not only be industrious, but that you could rely upon their honesty for the return of any loan which was made to them?—I never knew them break their word as to a loan.

3074. What would be the advantage of having the fisheries of your locality developed by the particular kind of fishing which you say is carried on there; where would the market be; is the place where you now sell the fish, Belmullet?—Yes.

3075. Is Belmullet a town?—It is.

3076. Is Belmullet capable of consuming all the fish which these men procure?—When I was curing at the other stations, I sent one cargo to Limerick, and another cargo of dried ling to Liverpool; and I sold 400 *l.* worth to local merchants, all that season.

3077. Supposing that a large quantity of fish was killed, would you have the means of getting rid of them, either by local consumption, or by sending them to a distant market?—I have not a doubt of it.

3078. Do you not think that it would be rather beneficial that these people should be half farmers and half fishermen, inasmuch as frequently a season will fail or a season may be bad?—It is impossible for them to make a livelihood by fishing without a bit of land.

3079. What do you mean by a "bit of land"?—I mean about an acre of land.

3080. Just to raise potatoes and other vegetables?—Yes; an acre or an acre and a half, and grass for a cow.

3081. You do not mean a regular farmer?—No; I have given out about an acre and a half for each of 40 families.

3082. And that is a resource to them?—Yes; it is a home for them; they could not do without it.

3083. As I understand your recommendation to the Committee, it is that there should be every facility given for the landing of the boats?—Yes.

3084. That is to say not only for carrying on the trade, but for the protection of human life?—Yes.

3085. There is a great want in that respect?—There is.

3086. You also think that if advantages were given in the shape of loans, the people are sufficiently industrious and honest to justify the hopes of those who would recommend loans being made to them?—Yes; and curing stations are required; the people ought to be employed by means being given to them of making their own nets and lines. We have taught them how to make nets, and a net of home manufacture is worth two nets which can be purchased, and it can be made for two-thirds of the money; and it would employ the population, the women and children, and, in the bad weather, the men, when they could not do anything else.

3087. Lord *Dunkellin.*] What do you mean by a slip?—A landing place. Supposing there is a hollow inside, the land is cut down a slope, and there can be a landing place there.

3088. I understood you to say that you could make four or five of those slips at the same cost as one pier?—Yes.

3089. And you think that that is sufficient for the requirements of your coast?—Yes.

3090. How would those slips answer for big boats; you only use curraghs?—We use curraghs. There are two piers in Belmullet, one on each side. There is Black Sod Bay on one side, and Broad Haven on the other; and Belmullet is in the middle.

3091. These landing places would not do for the common fishing boats?—There are piers for the fishing boats there.

3092. I understood you to say that, in your opinion, the slips were all that was required for the curraghs?—We have piers enough on the coast; but the slips are required.

3093. Which is preferable, a slip or a pier?—You could not build a pier where we require the slips; it is impossible to build a pier; it would take 50,000 *l.* to build a pier where the sea is so tremendous.

3094. As you go down lower, you know that there are a great number of creeks and coves, and harbours, where men who are partly fishermen and partly engaged in agricultural pursuits live?—Yes.

3095. Would

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3095. Would it be an advantage if piers and landing-places were made there, or would a slip be sufficient?—Near the extreme headlands such a thing is very necessary for the small boats.

3096. Would slips be sufficient for the fishing boats; for instance, the Galway fishing boats?—Certainly not; they must come into the harbour, and get regular piers.

3097. Then would it not be an advantage to the people employed on the coast if, in various places, they had some regular piers?—It would be a great improvement.

3098. Mr. *Maguire.*] You have stated that it was owing to the inducement given by your son, or by his example, that these people went out and fished for a certain time; is that in any way inconsistent with the answer which you gave me, that the people are courageous and intrepid?—They are intrepid.

3099. How do you reconcile those two answers?—When there is great danger they require a little extra inducement. As you have asked me the question, I will explain it: you recollect that there was a great snow storm last winter; if you look at that map you will see Blind Harbour, and I need not explain to honourable Members of this Committee what a coast that is at that season of the year; that young man led them out, and we never expected to see them again; but they landed their boats with fish, and walked nine miles in a snow storm.

3100. You would not recommend men generally to do the same?—No; but 40 or 50 men were starving, that is the fact of it.

3101. General *Dunne.*] To what distance do these curraghs go out?—They go out to sea for 15 and 20 miles.

3102. Do you think that larger boats would be adapted to that coast?—In winter time the sea is too heavy, and larger boats there would not answer; what is wanted is boats which can watch the opportunity, and can run out quickly, and can land quickly.

3103. Then the result of your experience is, that curraghs are well adapted to those seas, and that they can get into cricks when larger vessels could not?—Yes, at certain seasons of the year. If a large vessel can lie off Black Rock in summer she can go to sea; but in winter she cannot do it, she has a long way to go to the fishing ground.

3104. It is quite clear that these boats are better adapted for the purpose?—They are.

3105. And these slips are the chief modes of landing?—Yes.

3106. And it would be useless to make a pier there?—Yes, in those places.

3107. Did you ever apply for a license for oyster fishing?—No.

3108. Did you ever apply to your landlord?—No; the landlords there have not any interest in the fishing whatever, they would rather go shooting over the hills.

3109. Would it be their interest to promote the fisheries?—Yes, but they do not do it.

3110. Do you know the coast of Donegal, or in that direction?—I have been in Teeling.

3111. I mean the whole of the north-western coast going round to Lough Swilly, and including Killibegs; are you acquainted with any of the harbours around that coast?—Partly.

3112. Do you think that they are adapted for fishing?—There are very good grounds there.

3113. What are the kinds of boats which would be suitable round that coast?—Curraghs, and four-oared boats, and I have seen ten-ton hookers, very smart boats.

3114. Do they catch much fish there?—Yes, very large quantities, sometimes. I once saw in Killibegs 300 or 400 boats with a full cargo.

3115. How do they dispose of those cargoes?—They dispose of them in Scotland, and in many parts of Ireland.

3116. Is there any way of bringing fish into the interior of Ireland from those points?—I am not aware, except by railway.

3117. Are there railways in that district?—I do not know.

3118. Would piers or slips in your opinion be the best for that coast?—They have a pier at Teeling and a pier at Killibegs, and one at St. John's Point, and also at Bundoran. Round from Teeling Head slips are required to assist the poor men to land when they take fish at sea.

3119. What would a slip cost in an ordinary place?—About 200 *l.* would be the cost of the most expensive slip.

3120. Do you know Lough Swilly at all?—No.

3121. You say that you have never engaged in trawling?—No.

3122. Can you give any opinion whether trawling close to the shore does harm or not?—I know that the fish spawns in deep water, and in shoal water. The fish spawns in 30 fathoms water; it always endeavours to get near foul ground. In the vicinity of foul ground you will always find the greatest quantity of spawn.

3123. Would you therefore have any restriction as to the depth of water in which trawling should be allowed?—I could not say.

3124. Do you think that trawling would be injurious in any ground, if it was done on spawning ground?—My own opinion is that the spawn of the fish would be better to be let rest quietly.

3125. Mr. *Bonham-Carter.*] I understand that last year the men were reduced to great distress?—They were; the whole winter was very bad.

3126. But I understand that by your inducement they at last went out, and were very successful?—Some of them had no spillets. Each man ought to have two spillets, a haddock spillet, and a ling spillet, and they went out with a haddock spillet looking for ling; and they went out even with half-spillets, and still they caught a large quantity of fish in that time.

3127. If it had not been for you, they would have remained at home and have starved?—Perhaps not. I did all that I could, and my son led them out.

3128. Was that at a time of year when they were not accustomed to fish?—It was in stormy weather.

3129. No accident occurred from your advice to them to go out?—No.

3130. And they obtained a sufficient quantity of fish to enable them to go through the winter?—Yes; in 14 days they killed more fish than they had done in that season.

3131. How long had they given up fishing before you advised them to go out again?—They had not given up, but we considered it necessary to make one great exertion to send them out together. I sent to England for hemp thread, and I got them to make what they call snouds to mount their spillets.

3132. If what was done was successful under those circumstances, why should not the same thing

thing be done in other years?—The people are very poor.

3133. Is not that an additional reason for their going again as they did last winter?—The people could not muster up money enough to fish; they had no seed to put into the ground when they got this fish. It only shows me that there is as much fish as ever there was.

3134. Were these men employed by you?—Not at all.

3135 Did they sell their fish to you?—No.

3136. Then you did this as a friend?—They were poor people whom I induced to settle there, and I built those cabins for them, and they are living comfortably now.

3137. I understand that you sell a great many fish yourself?—Not now.

3138. Have you entirely given up?—No, but I do not fish now. I do not do anything in fact in that way now.

3139. General *Dunne.*] Does your son do so?—My son occasionally fishes in one boat which I just keep for the house.

3140. But you do not carry it on as a trade?—Not at all.

3141. Mr. *Bonham-Carter.*] Do these men work without any direction?—They fish for themselves and their families.

3142. You have said that the occupation of a little land is very requisite?—Yes, off the whole coast.

3143. I suppose that the cultivation of that land is generally carried on in the summer during the fishing season?—No; there are some months in the summer when there is not any fish to be caught. In the month of June very likely there may be a fortnight when there will not be a fish of any description, and during that time the poor fisherman will cut his turf. Perhaps he will dig a piece of land for a few turnips or potatoes, and when the fishing begins again he will prepare his lines and his spillets, and so on, and will go out again.

3144. Is the land generally cultivated by the man himself, or by his family?—By his family, and when he can spare time, by himself.

3145. At what time do you consider that cod are in the best season?—From Christmas till March.

3146. Colonel *Vandeleur.*] In what state are they in the summer months?—They are spent fish, and they are not fit for use.

3147. Mr. *Kavanagh.*] With reference to the slip which you got built, you say that the Board of Works were 12 years in constructing it?—No, I did not say that they were 12 years in constructing it, but I believe that it was about 12 years before I got it from my first applying for it, until it was finished.

3148. Did they agree to do it after you applied first, and then leave it undone?—I did not hear any examination ordered about it until Mr. Brady, the inspector, came, and I laid the case before him, and he went to Dublin, and it was then that an engineer came down, and it was granted on my giving a bond to pay one-third of the expenses.

3149. How long a time elapsed between your first application and Mr. Brady's visit?—I applied long before, and there was no result. My application was worth nothing until Mr. Brady came down. When Mr. Brady came down I asked him about the slip, and I represented the necessity of the slip, there having been two or three men drowned from the want of it. Two or three excellent young men were drowned near Eagle Island. I wrote to the Board of Works, and I got no reply. Mr. Brady came down, and I represented the case to him, and he went to Dublin, and Mr. Forsyth, the engineer, came down immediately afterwards.

3150. How soon after that was the landing-place finished?—In three months; in that season they finished it; they employed the people of the country; there was great starvation in the country in that year.

3151. How many boats do you keep now?—I do not keep any.

3152. You said that you had about 900 men employed?—Yes.

3153. Were all the boats in which the men were employed your own boats?—Not one, except our sailing boats; they were the country boats, and I gave them spillets and lines where they were necessary.

3154. And you bought their fish?—Yes, at the different stations.

3155. As respects loans, you seem to have a very high opinion of the men, would you become security for them?—As regards all the men on any lands of my own, I would become security for them at once without any hesitation, or if I was worth 10,000 *l.* I would cheerfully offer it as security for them.

3156. Are there men like you living along the coast, who, you think, would become security for fishermen?—I think not, except another one or two more; they have not an interest in it; I think that there are another one or two more who would go security for the fishermen.

3157. I believe that about Belmullet there is no salmon fishing, is there?—No; I have been a member of that Board for 28 years; a conservator.

3158. You say that Blacksod Bay is pretty full of oysters?—Yes.

3159. Does it still continue so?—It does.

3160. It is not exhausted?—No.

3161. Is it worked?—No, it is preserved excepting in deep water; the public have a prescriptive right in the centre of the bay.

3162. You know Tullaghorn Bay?—I do, well.

3163. Are there crews of boats who go out there?—Yes, there are a great many crews of boats, but the fishing is not carried on; they have not spillets, and the means of killing the fish.

3164. But there is a large population there?—Yes, there are several thousand families who would be employed in fishing, if they had the means.

3165. And down to Achill Sound?—Yes, but I am totally against giving any of the fishermen anything gratis, as it destroys manly and independent exertion.

3166. Mr. *Cooper.*] Is there a large population in that district?—Yes.

3167. By what do they live?—Mostly by fishing.

3168. Do they farm at all there?—Yes, there are small farms, that is to say farming and fishing.

3169. Is there any trawling ground off that coast?—Yes.

3170. Where?—In Black Sod Bay and Broad Haven, and where I live.

3171. Do you know any of the coast east of Broad Haven?—Yes, a part of it.

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3172. Is there any trawling ground off that coast?—Yes, there is trawling ground off Portuchloe and Portuslin.

3173. Do your fishermen use nets?—Yes, nets and lines.

3174. They make their own nets?—Yes, when they can get materials.

3175. Do they grow any flax in your district?—No.

3176. Would flax grow there?—Yes.

3177. Do you know Mr. Neate?—I do.

3178. Is he a coast guard officer?—Yes.

3179. Did you ever give him any information about fishing?—I have given him any information for which he has asked.

3180. Has he ever asked for any?—Yes, he visits all the fisheries about the different localities, and he is a very good officer, and takes a great interest in the welfare of the fishermen.

3181. Have you seen his report which was made last year?—No.

3182. He states that the chief impediment to improvement is the falling off in the quantity of fish; do you believe that that statement is correct; do you believe that there is a falling off in the quantity of fish on that coast?—I think that that is a mistake. They cannot take the fish from the want of material to take it with. They cannot bring the usual quantity of fish to land in consequence of the want of gear, which would make it appear that the fish are falling off.

3183. You think that the fish are as plentiful as they ever were?—I do; I am certain of it. I could satisfy this Committee of that, because I could produce most respectable men who would state on oath, they having been there, that there is as much fish about the headlands now as ever they saw in the last 20 years.

3184. In what year did the emigration which you speak of take place?—I think three years ago.

3185. Do you know that there was a decrease both in vessels and in men and boys last year?—A great decrease.

3186. Was there emigration last year?—There was emigration two years back. They sold all off; but all of them returned home except two. No emigration last year.

3187. Mr. *Maguire.*] To what part of America did they go?—To a place called Ashland; I do not know what State it is in.

3188. Was it to pursue a fishing avocation that they went?—They went to do anything to which they could turn their hand.

3189. Did they go to a town, or did they go to a place suited to their industry?—They went to the coal mines of Ashland, and to different places; some to fishing, and some to different avocations.

3190. Colonel *Tottenham.*] You say that you formerly employed about 900 men?—Yes.

3191. And that you afterwards reduced the number to 90 men?—I have 90 men in Blind Haven.

3192. Did you give up the employment altogether when you lost the other two places?—I gave up buying the fish.

3193. *Chairman.*] Is it not the case that you gave up working those two stations, one of which was 18 miles on one side of you, and the other 20 miles on the other side, because the landlords would not continue a lease; would you otherwise have continued your operations?—I might have done so.

3194. Are you now purchasing at Blind Haven?—No.

3195. Is there anyone who has your establishment?—No.

3196. If it is not an unpleasant question to you, will you state why you do not carry on your operations at Blind Haven; it does not arise from the falling off of fish?—No.

3197. It is from other causes?—Yes.

3198. An honourable Member asked you whether it was not desirable not to disturb the fish on the spawning grounds, and you said that it was desirable; in your fishing operations have you ever seen spawn taken up?—I have not seen spawn taken up, but I have seen fish spawning in from three to five-fathom water, and I have known fish to spawn in 30-fathom water.

3199. Do you think that upon ground where trawling can be carried on, the spawn would be disturbed?—I do not think that the fish spawn upon the trawling ground so much as people imagine. I think that fish look to foul ground. I am well aware of it that cod and breeding fish get as near a foul and rocky ground as possible.

3200. Do you believe that trawls could work in such ground as the fish spawn in?—Not with safety.

3201. Mr. *Cooper.*] A trawl might disturb the spawn, although it would not injure the young fish?—It might disturb the spawn; I think that fish never spawn on hard sand, but in moderate sand, as near as possible to foul ground.

3202. Do you think that the trawl rope would disturb the ground in which fish generally spawn?—I think not; I think that it would be better, if possible, to keep it clear, but on the whole I do not think that it injures the spawn greatly.

3203. Colonel *Vandeleur.*] You have had great experience in line fishing, and have sent out a great many boats; would you wish to see a trawler fishing on the same ground as that on which you lay your spillers?—If the trawler was on the same ground as 40 or 50 boats with spillers laid out, it would be a destruction to them altogether.

3204. *Chairman.*] But is it not the fact that the trawlers generally keep clear of that ground?—They do not, and they cannot keep clear; the trawlers could not keep clear of an immense quantity of spillers laid out for miles and miles in an extensive way.

3205. Colonel *Annesley.*] Do not the trawls sometimes go over the spillers without injuring them?—I believe that they could not do it.

3206. Colonel *Vandeleur.*] Do you believe that a trawler, as has been stated here, would go over lines of spillers without getting foul of them?—It may be the case, but from my experience I do not believe it.

3207. *Chairman.*] From your own experience, have you any personal knowledge about trawling, whether such a thing as tearing away the long lines has occurred?—I do not know it; I never tore away any.

3208. Did you ever see such a thing occur?—No.

3209. Colonel *Vandeleur.*] From your experience as a fisherman, and having been so long connected with Her Majesty's service, do you think that a trawler trawling with a 40 or a 50 feet beam could possibly, in the dead of the night, see the buoys of the spillers?—It would be quite impossible for a trawler to cross those lines

lines without fouling them and destroying them; that is my opinion.

3210. When Mr. Brady came to visit your place, did he tell you that he came as an officer of the Board of Works?—I had heard of Mr. Brady before, and I knew that he was an officer of the Board of Works; and the poor fishermen and their families bless him to this day for that small boon; for I verily believe that had it not been for that small slip, numbers of persons, in the last winter, would have been drowned, for it was very severe.

3211. Is not Blacksod Bay a very large place?—Yes, it is a very fine place.

3212. You have said that the whole place is full of oysters?—Yes.

3213. What depth of water is there in Blacksod Bay?—It is various. It is 10 or 12 fathoms.

3214. You are aware that only three licenses for oysters are given in the entire of the bay?—I think that there are more.

3215. Only three are marked on the map; do the licenses go far beyond low water?—I am not aware. I cannot say correctly how far they go.

3216. All the water space except that part between high and low water is common to the public?—I have not taken an interest in oysters to see how it is at present.

3217. Mr. *Kavanagh.*] Do you know anything about the sun-fish?—A little.

3218. Is there much of that sort of fishing done off your coast?—There are great numbers of them, but we have not killed them. We have not had apparatus for killing them. The sun-fish come into the estuary, into the very harbour.

3219. Would not the people make a great deal by catching them?—They could do it if they had spears and lines. A great number come in there.

3220. Do you not think that that would be a profitable thing to do?—Yes.

3221. Have you seen them caught?—Yes; formerly we used to kill a great number. We always speared them off Achill Head.

3222. How many gallons of oil would one of these sun-fish make?—We got 60 gallons out of a small one.

Tuesday, 25th June 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. Bonham-Carter.
Mr. Cooper.
Lord Dunkellin.
General Dunne.
Sir John Gray.
Lord Claud John Hamilton.
Mr. Ion Hamilton.
Mr. Herbert.
Mr. Kavanagh.
Mr. Maguire.
Mr. Malcolm.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

25 June 1867.

THE *Chairman* stated that he had received the following letter from Mr. Savage who had been examined on the last day of the meeting of the Committee:

"To the Committee on Sea Coast Fisheries of *Ireland*.

"Gentlemen, 22 June 1867.

"As I am informed that a portion of the evidence given by me on the 21st instant was such as to make the Committee believe that 10 or 12 years had elapsed from the time the 'Board of Works' promised to make the slip at Blind-harbour, and actually did so, I beg to say that nothing was further from my intention than to convey any such idea. What I intended to convey was that I had written to the 'Board of Works,' 10 or 12 years before the inspector, Mr. Brady, came round, but to no effect, that nothing was done till he visited the place; but after that very little time elapsed, as I became contractor for the work. I thought I had fully explained this in my replies to the honourable Member for Wexford; but I hope this may be taken as a part of my evidence, to remove any erroneous impression which I might have most unintentionally caused.

"I have, &c.
(signed) "*Robert Savage.*"

Mr. JAMES REDMOND BARRY, called in; and Examined.

Mr. *J. R. Barry.*

3223. *Chairman.*] YOU are the Inspecting Commissioner of Fisheries for Ireland?—I am.

3224. Previously to your having received that appointment, I believe that you were one of the Inspectors of Fisheries for Ireland under the Board of Works?—I was.

3225. How long is it since you received your first appointment under the present Board of Works?—It was in 1842, immediately after the passing of the Act of 5th & 6th Victoria, c. 106.

3226. I believe that your first official connection with the fisheries of Ireland commenced in the year 1818 or 1819?—In 1819.

3227. You were then appointed one of the Inspectors General of Fisheries under the Act of 59 Geo. 3, c. 109?—I was.

3228. So that you have been officially engaged, more or less, in the fisheries of Ireland, for very close upon 50 years?—Very nearly.

3229. I believe that you received your original appointment in 1819 in consequence of your having devoted a good deal of time and attention to the subject of the Irish fisheries?—In 1818 I undertook the situation of honorary secretary to an association which was formed, called the Southern Fishery Association, from whose reports the Irish Government were induced to pass the Act of the 59th Geo. 3, which was a measure of considerable improvement to the fisheries.

3230. Under the Act of 59th Geo. 3, a body of Commissioners was appointed?—Yes.

3231. Under them there were four inspectors general, of whom you were one?—Yes.

3232. And there was a body of local inspectors, which I believe in the end amounted to some 16 or 20?—Twenty, I think.

3233. How many Commissioners were there?—There were 20 Commissioners.

3234. Were their positions entirely honorary, or were any of them salaried?—None were salaried; they were all unpaid.

3235. The main object of the Act of 59th Geo. 3 was to encourage the Irish fisheries by a system of bounties and loans, and a careful inspection and looking after the fisheries all along the coast?—Yes.

3236. Will you be so kind as to tell the Committee whether, previous to the appointment of the commissioners and inspectors under the Act of 59th Geo. 3, there was any thing like a Fishery Board in Ireland?—Nothing.

3237. How were the fisheries managed before that?—There were, I think, three inspectors, principally for the north of Ireland, and they were connected with and acted under the Customs Board; but there being no bounties, there duties simply consisted in attending to the regulations which gave to the fisheries salt duty free, which was then subject to a very heavy duty.

3238. Under what public department were those inspectors?—They were under the Customs.

3239. For how many years did that Act of 59 Geo. 3 continue in operation?—It was renewed by

by several subsequent Acts, and it continued in operation till 1830, till the Act of William 4, to which I shall be enabled more especially to refer immediately.

3240. Do you consider that that Act, taken upon the whole, was useful to the Irish Fisheries in the way of inducing people to engage in them, by bringing a greater amount of enterprise to bear upon that branch of industry?—The practical effect of it was unquestionably useful; it was a measure which was only justifiable for the purpose of resuscitating a nearly exhausted trade,—a trade which was in a very languid state. I never considered that the bounties were justifiable for other purposes; they did, however, revive that trade considerably.

3241. On the whole, do you think that the operation of the Act was useful, and that it tended towards the object for which it was designed?—Most unquestionably so.

3242. Under the bounties I believe that a great amount of benefit was produced?—Considerable.

3243. And also under the loans?—They were very useful.

3244. With regard to the loans, can you inform the Committee what was the entire sum which was allocated for the purpose of loans?—The Act of 59 Geo. 3 gave to the directors of the managing body a sum, exclusive of all bounties, of 5000*l.* annually, to be applied generally to the encouragement of the fisheries. There was considerable embarrassment, which was very natural at the time, as to the most effectual mode of applying that sum, and I think that for two or three years, or perhaps more, it was allowed to accumulate; there was then a considerable accumulation which was received from the Treasury. That came to pass in about the year 1822, which was a very eventful year for Ireland, during which there was one of the unhappy periodical famines. The Board then contributed largely towards the building of piers in connection with several benevolent institutions; the London Institution for the relief of Ireland, which was most prominent; the Dublin Institution, and others; and several piers were built during that period out of the sum which accumulated; and as to any sum which might have remained, together with the 5,000*l.* a year, a proportion of it was allocated to the purpose of a loan fund, and another portion to the building of a large class of hookers, and another portion to the construction of fishing villages by the proprietary.

3245. Do you think that so large a sum as 13,000*l.* remained outstanding at the termination of the Act?—I have been assured that it did. I have taken every possible trouble to be prepared to answer those questions, having seen the evidence of Mr. Hornsby. It was not possible that he could have known much upon the subject, and I, through the accountant's department, endeavoured to get at the fact, and I believe that there was a sum, nearly to that amount, which was not collected.

3246. Did any of those charitable contributions remain behind at the termination of that Act; and if so, what became of them?—The charitable contributions were generally specifically applied to specific objects—the building of particular piers which were constructed and paid for.

3247. The proceeding of the Board, I believe, at that time was a very summary one upon the termination of the Act, for the purpose of recovering the sums outstanding, and it was felt very severely by many persons, was it not?—It was not judicious; they emyloyed a certain number of the former subordinate officers of the Board to collect the sums for a per-centage; and they, with over zeal, or perhaps with a very honest disposition, proceeded too rigorously, and I need scarcely tell the Committee that when all other encouragement, and all hope of encouragement was extingished, the people were not so anxious to be punctual as they had been before that event; for I do say that they were remarkably punctual in the payment of those loans before the final winding up.

3248. Is it your opinion that if that fund had gone on, and had been a revolving fund, it is probable that a very much less sum would have been lost?—I am sure of it.

3249. I believe that in your own district of Glandore, out of a sum close upon 3,000*l.* which was lent, everything except a few hundred pounds was paid in?—There was very little loss in the south.

3250. On the whole, do you consider that that loan fund was productive?—I am quite sure that it was.

3251. And do you think that, considering the great good which was effected, the 13,000*l.* was not to be looked upon as a great loss?—Just so.

3252. In the year 1830 the Act came to an end?—Completely.

3253. From 1830 until the Commission of Inquiry in 1836, of which you were a member, how were the fisheries managed, so far as you know?—Any arrangements connected with the completion of the piers, and the collection of the debts, were managed by the Board of Inland Navigation.

3254. Was there anything approaching inspection?—No.

3255. You were frequently consulted by that Board?—Frequently.

3256. But I believe that you were not a salaried official of the Board?—I was not.

3257. And you merely gave your services from a desire to advance the interests of the fisheries?—That is quite true.

3258. From the time when you first commenced operations, was not there a very considerable increase, both in the boats and in the men?—There was.

3259. And the class of boats attracted to the fisheries, was of a very superior character to what had existed before?—It was in much better order altogether.

3260. But the withdrawal of those encouragements, I believe, was followed by an immediate decline in both boats and men?—Yes.

3261. In the year 1836, a commission of inquiry was appointed, commonly called the Morpeth Commission?—Yes.

3262. Some eight or ten gentlemen, I believe, were appointed, of whom you were one?—Yes.

3263. What was the duty entrusted to you?—The duty of generally inquiring into the then circumstances of the Irish fisheries. We were also instructed to visit the Isle of Man, and to visit the east coast of England, which we did, or a portion of it. The Commission consisted of all the members of the Board of Works, Mr. Charles Walker, the then Member for Wexford,

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Sir Charles Morgan, Mr. Jagoe, a barrister, Mr. Stanley, who was afterwards Comptroller General of Stamps, Mr. Henry Townsend, who had been the Secretary to the old Board, and myself.

3264. Did you not also inquire into the inland fisheries?—There was a very cursory inquiry into the inland fisheries; we made a very short report upon them.

3265. Over what period did your inquiries extend?—I think very little more than a year.

3266. Will you be kind enough to tell the Committee in general terms, what the result of your inquiry was, and what were the conclusions at which you arrived?—They were embodied in a very short code.

3267. I believe that you concluded your inquiry in 1836?—We did; and the summary of our proceedings was contained in 17 suggestions, called "Remedial measures," which if the Committee wish I will read.

3268. Will you be kind enough to read them?—"1st. That in order to remove many vexatious doubts on the laws as they at present exist, every Act in any way relating to the sea fisheries of Ireland be totally repealed, and that all provisions deemed necessary be embodied in one statute. 2ndly. That the chief superintendence and control of all matters connected with the fisheries be vested in some public department, which shall make an annual report of its proceedings to be laid before Parliament. 3rdly. That the jurisdiction of the local magistracy, in maritime counties, be extended to offences committed by fishermen at sea; and that it be made the duty of the coast guard, as a marine police, to aid the magistracy and the superintending authority, so as, without much increased expense, to enforce the law, and carry into effect such regulations as the latter body may from time to time adopt. 4thly. That agreeably to the enactments of the 48 Geo. 3, c. 110, s. 8, of the 55 Geo. 3, c. 94, and of the 59 Geo. 3, c. 109, s. 51, a Government vessel be furnished at the requisition of the superintending body, at such times and places as may be deemed necessary for the protection and assistance of the fisheries; and that a competent authority for the preservation of the peace accompany such vessels. 5thly. That the superintending body be empowered to institute or, on requisition after public notice from persons interested in the fisheries of any particular district, to adopt and confirm any local regulations which they shall consider as decidedly salutary, either for the due conduct of the fishermen, for the preservation of the peace, or for the protection of the fisheries. 6thly. That such further pecuniary aid be given for the construction and maintenance of any piers, harbours, and other public accommodations, as may be deemed requisite to the service of the fisheries; that provision be made for the repair and maintenance of all those which have been provided entirely or partly at the public expense, and may be thought worthy of being preserved; that they shall be declared public property; and that power be given to frame and enforce such rules and regulations as may seem desirable, in order to render them as generally useful and available as possible. 7thly. That the balance which shall remain to the credit of the Irish fisheries, after defraying the charges to which it is now liable, be applied, under the authority of the Lords of the Treasury, in the completion and repairs of such of the existing fishery piers as may be considered deserving of attention, and in promoting improvements generally in the fisheries. 8thly. That Section 85 of the 1st and 2nd Will. 4, cap. 33, be so modified that the funds placed by that Act at the disposal of the Board of Works be rendered not only available to the construction of any pier, shelter-harbour, boat-slip, or capstan, but to the providing of moorings and small harbour lights for the fisheries to the extent of one moiety of the expense, the other moiety to be raised by voluntary contribution of proprietors, fishermen, curers, or others, or by public assessment; that the existing condition, which requires security to the Crown for future repairs, be removed; and that it shall be competent to the Board, at discretion, to admit, as a substitute for money contribution, an equivalent value in materials, or in work applied conformably to a previously approved plan. 9thly. That it shall be competent to cess payers rated as above, annually in any county, barony, half-barony, or townland, to assess the locality in such sum as may be necessary for making up a moiety of the expense of the works specified in the preceding proposition, or of any portion thereof; the assessment to be distributed over a number of years proportionately to the amount. 10thly. That power be given to establish moderate tolls, to defray the necessary expenses of maintainance of each pier or harbour erected for fishery purposes, either in whole or in part with public money; and if the amounts arising from such tolls shall exceed the sums required for the permanent repair of the works, that such excess be allowed to accumulate to the credit of the work, as a provision for those sudden and extraordinary casualties to which such works are liable, and for the further improvement of the harbour. 11thly. That it be competent to the Board of Works, at discretion, to make short lines of communication between such piers, fishing harbours, or stations (as have wholly or in part been erected, or shall be erected by public funds), and the nearest high roads; a moiety of the amount so expended to be levied on the barony by annual instalments, or provided by voluntary contribution. 12thly. That in cases where loan funds, under the management of local associations, shall be established to assist fishermen in procuring, repairing, or fitting out boats intended for the prosecution of the fisheries, a moiety of these funds shall be supplied out of the public money (to be sufficiently secured in the repayment by the associators requiring that aid); that the same legal privileges and indulgences be extended to such associations as are given to charitable societies, under "The Charitable Loan Acts;" and that the proceedings and accounts of these associations shall be at all times subject to the scrutiny of the controlling body, under whose management the general interests of the fisheries may be placed. 13thly. That such local loan funds be encouraged in each of the maritime counties to assist fishermen. 14thly. That loans not exceeding a moiety of the expense be made by the Board of Works, on the most favourable terms, to parties desirous of erecting curing houses, fishery yards, salt stores, or fishermen's houses, under proper security for their accomplishment, according to plans previously approved; provided the expense in any case shall not be less than 200 *l.* 15thly. That tenants-in-tail and bodies corporate be empowered,

powered, notwithstanding settlements or incumbrances, to make leases in perpetuity at the full improved value of any portions of land required for fishing purposes adjacent to the shores of Ireland: such leases to be valid, provided a sum equal to five years rent be expended in good and substantial buildings on the land, within seven years. 16thly. That the section of the statute of Charles the First securing to the public a right to the use of the strands and wastes on the shores of Ireland for fishery purposes, and conferring a complete freedom of fishing on all British subjects, be clearly established by a further enactment.—(*See* 10 Charles 1, c. 24, Irish Statutes.) 17thly. That a practical education in the manufacture of nets, and in other fishery avocations, be adopted in the national schools of the maritime districts of Ireland.—(signed) Charles A. Walker, J. F. Burgoyne, T. Charles Morgan, Brook T. Ottley, James Redmond Barry, Henry Townsend, Henry R. Paine, Wm. Stanley, J. Radcliff, John Jagoe.—Department of Public Works Dublin, 31st October 1836."

3269. Did you as a Commissioner fully concur in all those recommendations?—I did certainly in all.

3270. Did you go at all beyond them?—I do not mean to deny that perhaps there was a little anxiety to go a little further on the part of some members of the Board; but it was in a very amicable spirit; and I am also bound in fairness to state that the Board were not, with reference to the question of loans, perfectly unanimous; that there were individuals on the Board who dissented from the loan principle, and under the most honest convictions.

3271. Are we to assume that every gentleman signing that report concurred in the principle of loans?—I will not assume what is not to be assumed; in fact, it is a general understanding that when a document of that kind is carried by a majority, it shall be signed by all.

3272. Did you under the circumstances quite concur on the subject of loans?—Fully.

3273. How soon after that recommendation of the Commissioners, of whom you were one, was there any attempt at legislation?—The first attempt at legislation after that was a Bill brought forward by Lord Morpeth; that Bill was sent to Mr. Townsend and myself, as will appear by the document which I now produce, for revision and alteration if necessary.

3274. In what year was that?—That was on the 3rd January 1838.

3275. That was a year and a quarter after the Report of the Commission?—Yes.

3276. That Bill was introduced into the House of Commons by the then Chief Secretary for Ireland, Lord Morpeth, and Mr. Serjeant Woulfe?—Yes.

3277. Was that for the purpose of thoroughly carrying out the summary of recommendations which you have just read?—It did so in a moderate degree, and, I should say, in a sufficient degree; it recognised nearly the whole of the principles recommended in those remedial measures.

3278. In general terms, what were the leading features of the Bill?—The leading features of the Bill were the general adoption of the views of the Commissioners in those remedial measures.

3279. Were the loans embodied in it?—They were.

3280. What progress did that Bill make in the House of Commons; what became of it?—It was brought in, and ordered by the House of Commons to be printed on the 11th of April 1838; it was read a second time on the 8th of May 1838; it was committed for Tuesday, the 15th of May, and was deferred nearly three times a week afterwards till the 23rd of July, when it was deferred for three months.

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3281. Was that on a division?—There was no division.

3282. What was it which led to the defeat of that Bill; were the Irish Members pretty well agreed upon it?—I think so; the impression upon my mind was unquestionably that it was Scotch influence which predominated; I expressed my opinions upon that subject very recently, and I am ready to do so again; I may be wrong, but I gave my honest opinions; those opinions have not been exhibited to the public, but I am quite willing that they should be, if necessary; in reference to that question.

3283. You say that you can state to us the causes which led to the defeat of the Bill in the House; will you state them?—I am prepared, if required, to state my opinions as to these causes.

3284. Was the Bill discussed in the House?—I rather think that there was very little discussion upon it; I watched its proceedings very closely, and there was very little discussion; each of those postponements took place without a discussion, and its final defeat took place without a discussion.

3285. Colonel *Vandeleur.*] The author of the Bill, Lord Morpeth, agreed to postpone it?—Yes.

3286. *Chairman.*] Have you any recollection whether its final postponement was by a division of the House?—Rather a remarkable fact preceded its postponement: on the very day before its postponement, a deputation from Scotland, headed by the Duke of Sutherland, waited upon the Government on the subject of the Irish Fishery Bill, and the following day it was deferred for three months.

3287. Was not an important Irish Fishery Bill, with respect to a company upon the Nymph Bank, defeated by a majority of one, about 25 or 30 years ago?—I am not aware of that.

3288. Have you ever heard of it?—I never have.

3289. The Bill of Lord Morpeth, to which you have referred, was in 1838?—Yes.

3290. No legislation, I believe, was then effected until the year 1842?—No.

3291. That is the Act of the 5th & 6th Victoria?—Yes.

3292. That Act, I believe, did not embody the clauses with regard to loans?—Certainly not.

3293. And several other provisions of which you approve were omitted.—Yes; it was a very barren measure, so far as the sea fisheries were concerned.

3294. In the course of your investigation as a Commissioner, with the Commissioners with whom you were associated in 1836, you received a great mass of evidence with regard to loans and bounties, the most desirable places round the coast for fishing, the state of the piers, and the condition of the fishermen?—We did.

3295. You also issued a number of printed queries to the coast-guard officers, and to the most intelligent people upon the sea coast, who might

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might not be able to give evidence before you on those points?—We did.

3296. Is it not the fact that the great preponderence of evidence was in favour of the good which was done by the loans under the system which you administered, and also in favour of a continuance of the system?—I think that it was.

3297. That was the case both as regarded the parole-evidence, and the replies given to the printed queries which were sent round the coast?—Yes.

3298. A great number of the parties so replying, I believe, were coast-guard officers, whom we may regard as impartial witnesses upon the matter?—A great many.

3299. I have prepared a summary of all the answers which you got both in the parol evidence, and in the written replies; I propose to hand in that document, which you will have an opportunity of looking over, and of saying whether you think it necessary to add anything to it. In those extracts the evidence both for and against the loans is contained—(*The Chairman delivered in the same.* Vide *Appendix*).

3300. What I may call the adverse evidence to the loans was, I believe, not so much against the principle of the loans, as against some faults in the administration of them?—The discussion upon the question of the loans was perhaps of a desultory kind; it is not recorded.

3301. I speak of the evidence which came in reply to the printed queries?—So far as my memory serves me, there was scarcely any objection made by those parties who gave evidence upon the subject.

3302. I believe that one objection which was strongly urged, was to the regulation giving to particular parties in different places the supplying of materials; an order, for instance, would be given upon a ship-chandler, and the parties were obliged to take the materials from him and from him only?—I cannot remember any details; there might have been some objections made by particular individuals, but the evidence taken was very voluminous and can be referred to.

3303. The tendency of the evidence was in favour of the loans?—Decidedly; not only the evidence of private individuals, but of the coast guard; and in the return upon our recent administration of the loans, we have received frequent communications from the coast guard officers, strongly urging, as a point of humanity, the necessity of aid to some of the poor fishermen who have been visited by misfortunes of weather, or otherwise.

3304. The great majority of your commissioners, including yourself, were in favour of those loans?—The majority clearly were; but there were some who were opposed to them.

3305. And a Bill, with all the authority of the Irish Government, was subsequently brought in, in which the principle of the loans was embodied?—It was.

3306. Does your opinion remain the same upon that point?—I think that it would save the Committee a great deal of trouble if I might be permitted to read what I consider a very important paper on the question of loans. At a particular period, very soon after the formation of the new Department under the Act of the 5th & 6th of Victoria, a proposition was made by the Treasury to the then Chairman of our own Board, Sir John Burgoyne, to hand over for loans for fishery purposes a sum of 5,000 *l.* which they had become possessed of at the Treasury, as a part of the residue of the funds for 1822, I think, or one of those famine years. Sir John Burgoyne was one of those who were conscientiously opposed to the principle of loans: he mentioned the matter to me, and he mentioned his great unwillingness that the Board should have anything to do with it; and I ventured, notwithstanding the high respect which I had for him, to differ in opinion with him. He requested that I would put upon paper my views on the subject, and let him have my reasons for differing with him, which I did, and which reasons are now in this paper.

3307. Is that the paper which you have brought in pursuance of the order of the Committee?—It is one of them.

3308. Will you give us a general summary of what your recommendation was?—This document contains my views as to the expediency of loans, arguing from the experience which I had in the former administration under the Act of the 59th George 3. I thought that it was quite possible to make loans for the fisheries available to their advancement. The paper was read, and it was noted by Sir John Burgoyne, with his objections; and it was then referred to Mr. Radcliff, another of the commissioners; and there is also a paper from him, in which he fully agrees with Sir John Burgoyne in his objections to undertake anything like loans. The paper was then sent to Mr. Mulvany, who was also at that time Commissioner of Drainage and co-ordinate in rank with me as inspector of fisheries; and he partially agreed with me, but differed altogether from the mode of administration. The whole subject of loans, *pro* and *con*, is discussed in this paper, according to our respective views, and I beg to present it in obedience to the order of the Committee.—(*The Witness delivered in the same.* Vide *Appendix*).

3309. Could you, with the assistance of your clerk, prepare a short summary of Lord Morpeth's Bill, which you have previously mentioned to us?—Certainly.—(*The Witness subsequently delivered in the document.* Vide *Appendix.*)

3310. Is it your opinion that assistance to the fishermen in the shape of loans for the improvement of their boats and gear would, under existing circumstances be advantageous?—The circumstances of the country are very much altered; the circumstances of that class of people who are engaged in the fisheries are very much altered; I am very sorry to be obliged to say that they have not increased, or improved in their moral habits. I have been considering the subject very much, and I should with great diffidence recommend anything like an indiscriminate system of small loans to fishermen individually; it would repuire a very large staff, and a very expensive management. I have, however, very recently seen extremely beneficial results arising from loans upon rather a large scale to a respectable class of persons, who necessarily must employ the people in order to employ the funds, and if there be a sufficient degree of supervision to ascertain that the money is absolutely invested in that manner, I consider that it would be a most judicious mode of proceeding.

3311. Do you agree with the principle of the desirability of loans if judiciously managed?—Unquestionably with that condition; if they are judiciously

judiciously managed it is impossible but that they must be beneficial in a country wanting capital.

3312. The fishing population have considerably decreased since the famine?—Very materially.

3313. I believe that, just previously to the famine, about 113,000 men and boys were employed, and something like 20,000 boats?—I cannot bear the exact figures in memory; the reports will show them.

3314. I believe that the number of fishermen has now gone down to about 40,000?—The number has been materially diminished.

3315. Is it not the fact that the coast population did not go down in the same proportion as in other parts of the country?—It is a most remarkable fact that the island population have not diminished very much. In the very remote islands they have not diminished so much as in the interior.

3316. Is it not the fact, as stated in some of your own reports, that the diminution in the number of fishermen relatively has been considerably greater than in the other class of the population?—I rather think that it is; the fishermen were nobody's children; they were not the objects of care with the proprietary. Immediately after the famine, there being such things as Poor Laws n the way, it became the policy of individuals to free their properties from those who might become a burden, and there was a system of depopulation and of levelling as respected fishing villages, in the south particularly, and the inhabitants were literally driven out, and were prevented from occupying the ground in the vicinity; they had to go away, and some emigrated.

3317. Do you consider that as much fish might be captured now around the Irish coast, taking the whole Irish coast, as at any other period?—So far as I have been enabled to form an opinion, I think that there is a considerable diminution in the supply of fish.

3318. In the actual existence of fish?—In the actual existence of fish, from whatever cause it may be. Weather is a most important ingredient; we have had a succession of bad seasons, and there have been various causes for the diminution. I am unable to state all the reasons; I only know what my belief is as to the facts.

3319. In some portions of the coast, especially the eastern and the south-eastern coast, has not there been a great augmentation in the amount of fish?—A considerable augmentation. In speaking of a diminution, I should except the herring fishery on the eastern coast; it has been most unusually abundant, and now presents a most satisfactory prospect.

3320. Where, in your opinion, has the diminution occurred?—In the round fish chiefly, and upon the western coast and upon the southern coast.

3321. There has been an actual decrease in the capture?—I believe so.

3322. Do you not consider that that has arisen, in a great measure, from the diminution in the number of fishermen?—No doubt, in some degree.

3323. Have you had any means of ascertaining whether there has been a positive decrease in the fish which frequent that part of the coast, or not?—On the 4th August 1856, my late colleague, Mr. Ffennell, and myself, having given a great deal of consideration to the subject, wrote a short paper for the consideration of the Board, on the very question of the supplies of fish at that time, and the diminution in the quantity, and the great exaggerations of the press in Ireland as to the quantities of fish which might be taken on the coasts of Ireland; that paper I respectfully beg to present to the Committee. (*The Witness delivered in the same.* Vide *Appendix.*)

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3324. In your report for 1844, in a letter which you wrote from Kinsale to the Secretary of the Board of Works, you spoke of the great augmentation of the fisheries, and you used the expression that there was "a field for 20 times the present fleet"?—I then spoke of a fishery which had been failing for a long time, but had been recently increased, and become most abundant, namely, the makerel fishery, and all that was then wanted was takers, and they came afterwards.

3325. Was the expreesion that there was "a field for 20 times the present fleet" in reference to all Ireland?—No; it was with reference to that particular locality, and that particular fishery—the mackerel fishery off Kinsale as well as the herring fishery off the eastern coast, has become a very valuable fishery.

3326. On the western coast of Ireland and portions of the north-western coast have not a great number of people in addition to those who emigrated and those who died during the period of the famine, been obliged to give up their fishing avocations on account of their poverty?—Doubtless they have, and many also have given them up on account of the demand for agricultural labourers. Everybody who understands the subject knows that fishing is an exceedingly precarious pursuit, and that any man who has his senses, and who can gain a comfortable livelihood by other means, will not turn a fisherman.

3327. Do you not think that around the coasts of Ireland in different places there are a great number of people, who if they were afforded the means of following fishery pursuits would be likely to do so?—I am sure that there are.

3328. As regards people of that class, would you be disposed to give them assistance in the way of procuring boats and gear to enable them to follow fishing avocations; of course under safe circumstances?—If it were possible to devise a simple and inexpensive mode of administering it, I should be very disposed to recommend it, but there is the rub.

3329. Do you know of the existence of a society in Dublin called the Society for the Relief or the Promotion of Irish Industry?—I do; I have already referred to it. That society, so far as my experience goes, has been productive of very great good. I know that upon the eastern coast, by encouraging some highly respectable persons of skill and judgment, and character, and solvency, and by aiding them, they have enabled them to prosecute a most extensive fishery, at Howth particularly.

3330. Are you aware that out of many thousands of pounds which they have lent, they have never had the loss of a shilling?—I have not an idea of what their arrangements are. I think it much to be deplored that that society, which I believe to be very useful, has not furnished anything like a detailed account of its operations. We know nothing except from the statement of Mr. Andrews, of the extent of its funds, the absolute extent of its loans, or of the extent of its losses. I have been assured that its losses are nothing,

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nothing. I have myself sometimes recommended some industrious persons to the consideration of that society, and the acting officer of the society has assured me that these persons have repaid the loans with great punctuality.

3331. Seeing that that society has been able to carry through all its operations, do not you think that the same thing might be attempted upon a larger scale, with equal advantage, and equal safety, if judiciously managed?—I think it very possible; but here you have a body of benevolent gentlemen undertaking the administration of the fund, and they require very unquestionable security—there is in that case little or no risk.

3332. Have you ever heard of the operations of Mr. Savage, of Belmullet?—I know him, I have met him.

3333. Are you aware that he raised the fishing population from 100 to 900 on that part of the coast?—I cannot tell.

3334. Did you ever hear that he made loans to the fishermen, and was repaid them?—Never.

3335. Did you ever visit him?—I never saw him in this capacity.

3336. One of the suggestions of the body of Commissioners to which you belonged was, that those loans should be granted in aid of local efforts?—Yes.

3337. That if a loan fund which was formed in the locality advanced a certain amount, the Government should also advance a certain amount?—That was the view.

3338. If the Government was now disposed to carry out that mode, would you consider that the most judicious way of administering assistance?—Clearly.

3339. In the event of persons not being themselves disposed to advance money, is not there an alternative proposition in the report, viz., that each man and his associates should be accountable for the money?—Yes. The following paragraphs are contained in the report: "The Commissioners are therefore led to a conviction that local loan funds for the fisheries might tend to an improvement in the condition of the fishermen, and communicate a desirable increase of activity to the the trade. They conceive that if funds in aid of local contributions were placed at the disposal of the most intelligent contributors associated for their management in various towns around the coast who should be made responsible for the repayment (at the same time being strictly limited in their application), much good would ensue by the industry and orderly habits which they must induce, and that they might become the basis of a more enlarged loan system for general purposes connected with savings banks and benefit societies, and then solely depend on the capital deposited by individuals. To encourage the formation of local committees for managing such loan funds, it has been proposed to the Commissioners, and they think it right to offer the suggestion here, that money for loans should be advanced on the security of each individual associated; that legal power should be given to the associates to take as securities the unstamped notes of the borrowers and their bail (as in the case of charitable loans), recoverable, if requisite, by summary attachment of property from local jurisdictions. If such institutions were established, it would be necessary to control them by occasional investigations of accounts by the publication of transactions, and by limiting the application of the funds (while aided by Government) to specific purposes connected with the fisheries."

3340. Do you consider that the administration of the loans might be carried out in either of those ways?—Yes; but my version of it is that if an association be formed consisting of a number of gentlemen forming a society, each gentleman should be taken for the amount for which he undertakes to be responsible, and should not be responsible for the aggregate.

3341. Do you consider that if the number of inspectors were increased as recommended by the Bill now under our consideration, the loans might be managed by the inspector upon his visits of inspection, receiving applications from parties desirous of obtaining loans, and then acting upon the report of the coast-guard, or of other persons qualified to inform him as to the character of the people?—May I ask how many inspectors are proposed in the Bill?

3342. It proposes two inspectors and a Commissioner, at least?—I think that that would be quite an insufficient staff to manage anything like a loan system.

3343. But you agree with the principle of the loan?—Yes.

3344. In the course of your investigation as Commissioners in 1836, you received parol evidence and replies to printed queries with regard to the desirability of fishermen combining the cultivation of land to a certain extent with their fishing pursuits?—There were various opinions upon that subject. Some persons thought that fishermen should be exclusively fishermen: I did not think it at all necessary; my experience for the time that I have been connected with the fisheries has been different.

3345. So far as your recollection goes, as a member of the Commission, was not the tendency of the evidence in favour, as a rule, of accommodation of fishing pursuit with the holding of a small quantity of land?—I do not know what the predominance of opinion was; I know that there was a considerable variance. I know that it depended much upon the position of the parties from whom the answers to the queries came. Landed proprietors upon the sea coast thought it very possible that there might be fishermen upon their shores who might have small portions of land, and who might cultivate those small portions of land, and yet follow the fisheries as an adjunct.

3346. You had some very important witnesses, such as Mr. Andrew Carbery, of Dungarvan, and others, who, I believe, gave you very strong evidence in favour of the combination?—Yes; and as you have mentioned Dungarvan, I may say that Dungarvan is an illustration of the vast difference between the success of those who were exclusively fishermen, and of those who had the addition of a little land. Dungarvan may be said to be divided into two parts; one is called Abbeyside; the fishermen at that side all had small portions of land. I can now trace the descendants of those men; they have very fine vessels, and are very prosperous men. On the other side, they were exclusively fishermen; they were exclusively occupying houses and having vessels. They were then certainly more prosperous than they have been since, but I cannot find any prosperity at all amongst the descendants of those persons who were formerly exclusively fishermen.

3347. Is it your own opinion that it is desirable

able to combine fishery pursuits with the holding of a small portion of land, especially on certain parts of the coast, such as the western coast, where owing to the tempestuous nature of the weather the men cannot follow fishing pursuits exclusively?—I think that possession of a little land is indispensable.

3348. Why?—In the first place as an occupation during those periods when they cannot go fishing; and in the next place as giving a stake in society; a man who has a bit of land, and who cultivates it by himself, or by his family, is unquestionably a more independent man than a man who has no dependence of the kind.

3349. Is it not the case that round a great portion of the coast for weeks together men cannot follow fishing pursuits?—Decidedly.

3350. Is it not very desirable that during those seasons they should have other occupations?—Yes.

3351. Is it not found that during those periods if they have not other occupations they frequent the public-houses?—They are idlers.

3352. Upon the eastern coast where the fish are abundant, I suppose you think it desirable that the fishermen should exclusively follow fishing pursuits?—Decidedly.

3353. Colonel *Vandeleur.*] With regard to the harbours about the coast of Ireland, do you consider that as a rule there is a sufficiency of harbours round the coast?—The western coast and the southern coast of Ireland abound in creeks and favourable spots for shelter, but I look upon it that facilities for landing, and above all things facilities for protecting the men's boats in exposed situations, by means of inclined planes, and machinery for raising the small class of boats which they have, would be of infinitely greater value than piers, and that a vast deal of the money which has been expended in building piers would have been much better employed in being well divided in giving accommodation of that kind. An inclined plane, with machinery at the top of it, a capstan by means of which a few men together might raise a good sized boat, which arrangement would perhaps cost one-tenth part of what anything like an attempt at a pier would cost in an exposed situation, would be more valuable and more useful.

3354. Along the western coast of Ireland are not the boats which are generally employed the curraghs?—They require nothing; the men take them upon their shoulders.

3355. You I think employed Mr. Donnell, an engineer, in the year 1826 to report upon the harbours of Ireland?—Yes.

3356. In his report there are the following words, "The coast from Galway Bay to Loop-head does not afford natural shelter, and therefore the only craft on it are boats made by wicker skeletons, covered with tarred canvas, light enough to be instantly carried off when the surge washes them ashore, before the succeeding wave can reach them, which would destroy them against the beach, or carry them back by its reflux. Therefore the coast presents a case for more extensive and costly artifical protection, because a harbour in which the better class of boats could lie securely, would have the immediate effect of producing such craft, and thereby improving the fishing, and the condition of the coast population. With this view Liscannor has interesting claims on the notice of the Board."

That was the report of the engineer sent by you to inquire into the subject. He states that if there were better harbours there is no doubt that a better class of boats would spring up on the western coast of Ireland; do you concur in that?—I think it very likely; nobody can deny that a better class of harbours will increase the number of a better class of boats.

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3357. Under the existing law, if a harbour or pier for fishermen be required, it is essential that one-fourth of the cost shall be subscribed by the locality, either by subscription or by an individual?—Yes.

3358. Will you read the report of the engineer upon that point?—The marginal note is, "Impolicy of requiring local contributions in all cases"; and the report states, "however presumptious the expression of disapproval of a legislative enactment may appear by so humble an individual as myself, I venture to observe that the clause contained in the section of the Act of 5 Geo. 4, c. 64, which requires local contributions in aid of every grant, works badly. It has the effect of fixing the construction of harbours on inferior instead of superior sites; local contributions is only to be obtained where the individual subscribing will derive personal advantage; he therefore in general proposes the site as the condition of his subscription; and though a preferable site may not be very remote, if local contributions cannot be obtained for it, the Board cannot decide in its favour, but must either submit to grant for the inferior site, or give up the measure altogether. The principle of local contribution is good, but its universal and indispensable application practically renders the selection of the best sites impossible."

3359. Is not that statement of Mr. Donnell true to a great extent?—I think that it is to some extent, and yet I was always in favour of the necessity of a local contribution as *primâ facie* a proof of the necessity of the work, and of the intentions of the individual who sought for it, to follow up the improvements which might be made by a harbour by further improvements. I presume that if an individual sought for a harbour, and sought to contribute to it, he would if he got the harbour, do what was further necessary to render that harbour useful.

3360. Does it not frequently occur that when a harbour would be very desirable, no local contribution can be obtained?—There are, at times, many cases of the kind.

3361. Does it not also follow that, as stated here by Mr. Donnell, in many places a harbour is constructed in a site which is less advantageous than a site a little further off, by reason of the persons in the less advantageous site being willing, for their own purposes, to contribute?—I am quite sure of it.

3362. As an instance of that, are you acquainted with Tramore, in the County of Waterford?—I am.

3363. Are you aware that at this moment the Board of Works are giving a contribution of about 1,500 *l.* and that 300 *l.* is subscribed by the locality for the formation of a fisherman's harbour at a place called the Ladies' Cove?—I have heard of it.

3364. Are you aware that for a sum less than that contributed by the Board of Works, it is alleged that a harbour more advantageous to the fishermen might be made less than two miles further

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ther off, but that in that locality no subscription can be obtained?—I have never had an opportunity of comparing the merits of the two sites; I have never been consulted upon it.

3365. You were appointed Inspector shortly after 1842?—Yes.

3366. *Chairman.*] How long did you continue Inspector before you became Inspecting Commissioner, with a seat and a voice at the Board?—I think that the late Mr. Ffennell and myself were appointed Inspecting Commissioners in 1848.

3367. Mr. Ffennel was appointed at the same time as yourself?—Yes; we were appointed under the same Act of Parliament, namely, the 11th and 12th of the Queen.

3368. It was your duty to report to the Board on the sea-coast fisheries, as well as on the inland fisheries?—Yes.

3369. You annually sent in a written report?—Yes.

3370. You stated the actual condition of the fisheries, and you recommended suggestions for their improvement?—Yes.

3371. Has it not frequently occurred that those reports as sent in by you, have been considerably curtailed by the Board?—Some of those reports have been altogether disregarded; they have not been noticed.

3372. Have any important portions of your report been suppressed, and not given in the Report presented to Parliament?—I wish to begin from the beginning. I understand the question perfectly, and I am prepared to answer it, painful though it is to me. I will commence with 1845. In the year 1845 I presented what is called suggestions for the report for 1844, embodying my recommendations and the recommendations of several very intelligent persons with whom I had communicated in the course of my inspections, namely, coastguard officers and proprietors, and I laid those suggestions, before the Commissioners as suggestions for the Fishery Report for 1844. I had the mortification to see that no attention whatsoever was paid to those suggestions, and that there was no statement adopting any of the views which I had suggested. I beg to present this paper.

3373. Am I to understand that this paper contains your suppressed report?—That paper contains the suppressed report, without even a comment upon it.

3374. Those are suggestions in 1845?—Yes; for the report for 1844; it has been usual to report in the following year. (*The Witness delivered in the same,* vide *Appendix.*)

3375. Were there any further important suggestions of yours suppressed?—The next instance of what I would call a suppression, seemed to me to be a very important one. In the year 1863 I prepared a report according to the usual practice, which I presented to the commissioners, or their secretary, on the 27th of April of that year. I must say that I felt particularly in that year that it was necessary to have the report at as early a period as possible, inasmuch as the subject of the fisheries was then under discussion before a Select Committee of the House.

3376. That was Mr. MacMahon's Committee?—I speak of Mr. MacMahon's Committee. I presented that report to the Board on the 27th of April; and I had rather elaborately, and with a great deal of trouble, prepared some documents with a view to explanations to that Committee. Amongst the rest, at page 15 of the Appendix to that Report, No. 5, I had prepared a return of the quantity of fish taken for 10 years by one stake weir. This document I was enabled to make out from having the books of a respectable gentleman engaged in the salmon fishery placed before me, and submitted to me for a month previously; and I, with a great deal of trouble and labour, prepared that document. That was one of the objects which I was particularly anxious to have submitted for the consideration of the Committee. I also made some few short observations in my report with reference to the subject then under consideration. That report, as I have before stated, was submitted to the Board on the 27th of April, and I never heard anything more about it until the 24th of July following, when, according to the usage, a report from the body of the Commissioners, which is put in front of the General Report, was presented to me for my signature, together with the signatures of the other Commissioners, *ante* dated the 24th of May, and thereupon I refused to sign it. It was the first occasion upon which I ever dissented so far from doing what I conceived to be beyond the strict line of duty. I refused to sign it, because I did not think that I was bound on the 24th of July to sign a document dated the 24th of May. I was, upon that occasion, supported in my opposition by the present Chairman of the Board, who was then a Junior Commissioner of the Board, namely, Colonel M'Kerlie; he said that I was quite justified in my refusal, and consequently the date was altered to the date of the day when the report was presented to me for signature, namely, the 24th of July, which was three months after my report, and four days before the Act of the 26th and 27th Victoria, chapter 114, obtained the Royal Assent. The following are the observations to which I have alluded, which I made in my report on the 27th of April 1863: "Very little remains to be said of the salmon fisheries; the season has been generally admitted, with only a very few exceptions, to have been most unusually productive, and the prospects most favourable. The essential objects for rendering our salmon fisheries more valuable are, 1st, a judicious modification and a consolidation of the existing law; 2nd, a more vigorous administration of the laws by the superintending department, with an adequate staff; 3rd, more vigilance and activity on the part of conservators, and, in some cases, an improved class of managers, fairly paid by increased funds, to be provided from further assessment, proportioned to the productiveness of engines; 4th, a considerable curtailment of the open season for fishing at both ends generally in order to permit the spent fish to descend, and the breeding fish to come up to the spawning grounds; 5th, an increase in the weekly close time, in order to insure a more equal distribution of the fish amongst the different classes interested, and an abundant stock for the spawning grounds; 6th, a close, and active, and vigilant attention to the spawning fish during the period of incubation, and a rigorous enforcement of the extreme penalties for killing fish at that period, or for using spears, lights, gaffs, strokehawls, or, above all, for using poison." The following is the return which I have mentioned of the quantity of fish taken for 10 years by one stake weir:

RETURN

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RETURN of the Quantity of FISH taken by ONE STAKE WEIR between 1852 and 1862 inclusive.

DATE.	Number of Salmon.	Weight.	Monthly Receipts. £. s. d.	Yearly Receipts. Tons. cwt. qrs. lbs.
1852:		*lb*		
February 1 -	10	87	9 7 5½	
March - -	74	661	51 11 –½	
April - -	105	835	66 16 7½	
May - -	89	891	51 5 8½	
June - -	210	1,041	40 9 –	
July - -	120	594	21 17 8	
August - -	41	198	8 17 6	1 18 1 23
TOTALS - -	649	4,307	- -	250 5 –
1853:				
February 1 -	18	170	18 7 3	
March - -	82	846	64 10 9	
April - -	112	1,205	71 13 11	
May - -	87	885	53 1 9	
June - -	142	960	47 1 11	
July - -	293	1,527	49 16 8	
August 1 -	130	726	28 1 7½	2 16 1 19
TOTALS - -	864	6,319	- -	322 13 10½
1854:				
February 1 -	71	649	54 16 11	
March - -	101	902	61 11 11½	
April - -	161	1,461	69 4 –½	
May - -	123	1,201	53 18 6½	
June - -	411	2,731	83 16 1½	
July - -	399	2,456	70 6 3½	
August - -	114	910	27 – 11½	4 12 0 6
TOTALS - -	1,380	10,310	- -	420 14 10½
1855:				
February 1 -	80	739	58 4 3	
March - -	152	1,428	97 14 2½	
April - -	89	901	59 10 1½	
May - -	68	663	39 5 4½	
June - -	123	845	43 17 8	
July - -	187	1,002	30 9 9½	
August - -	359	1,930	61 9 8½	3 7 0 4
TOTALS - -	1,058	7,508	- -	390 11 1½
1856:				
February 1 -	46	476	37 3 4½	
March - -	105	1,011	78 15 3½	
April - -	116	1,165	72 11 8½	
May - -	202	2,205	106 8 3	
June - -	258	1,652	50 16 10½	
July - -	356	1,819	40 14 8	
August - -	212	1,281	30 11 10	
September -	31	216	6 7 3	4 7 2 25
TOTALS - -	1,326	9,825	- -	423 9 3
1857:				
February 12 -	43	407	30 – 10½	
March - -	140	1,344	112 14 –½	
April - -	313	3,079	97 10 8	
May - -	216	2,248	124 12 2	
June - -	390	2,639	124 1 2½	
July - -	211	933	31 6 7½	
August - -	110	542	23 3 11	
September -	9	42	5 12 7½	5 0 0 34
TOTALS - -	1,432	11,234	- -	549 2 1½

DATE.	Number of Salmon.	Weight.	Monthly Receipts. £. s. d.	Yearly Receipts. Tons. cwts. grs. lbs.
1858:		*lbs.*		
February 12 -	63	541	41 9 4½	
March - -	122	1,167	83 12 8½	
April - -	216	2,063	135 11 3½	
May - -	207	1,691	93 2 4	
June - -	166	1,267	67 18 2	
July - -	411	2,220	73 4 1	
August - -	283	1,610	51 18 2	
September -	31	261	11 2 8	4 16 2 12
TOTALS - -	1,499	10,820	- -	557 18 9
1859:				
February 12 -	69	426	48 17 10½	
March - -	325	2,303	188 6 3½	
April - -	306	3,860	283 7 1½	
May - -	240	2,309	137 5 –½	
June - -	160	1,485	82 15 7½	
July - -	480	2,191	185 2 7	
August - -	197	1,131	39 18 1½	6 2 1 13
TOTALS - -	1,777	13,705	- -	965 12 8
1860:				
February 12 -	43	438	46 13 2½	
March - -	169	1,477	123 13 4½	
April - -	151	1,573	105 11 9½	
May - -	270	2,452	154 12 7	
June - -	557	3,543	197 6 2½	
July - -	405	2,053	82 9 1	
August - -	84	498	44 18 2	
September -	19	224	17 12 4	5 9 1 22
TOTALS - -	1,698	12,258	- -	772 16 9½
1861:				
February 12 -	12	162	20 3 4	
March - -	83	885	87 15 4½	
April - -	145	1,559	141 11 8½	
May - -	124	1,130	89 7 8	
June - -	316	2,143	115 3 –½	
July - -	407	2,118	86 5 9½	
August - -	83	525	32 18 1	3 16 0 10
TOTALS - -	1,170	8,522	- -	573 5 –
1862:				
February 12 -	72	657	61 1 6	
March - -	241	2,436	203 15 7	
April - -	308	3,369	341 15 11½	
May - -	472	5,140	363 6 11	
June - -	284	1,125	160 12 3½	
July - -	801	4,943	185 13 2½	
August - -	343	2,409	110 9 6½	8 19 1 3
TOTALS - -	2,521	20,079	- -	1,462 15 –
1863:				
February -	144	1,473	115 13 10½	—

The above Return was extracted from original records in the possession of a stake weir lessee, a gentleman of high character and respectability, and I have the best reasons to believe that it is a true and faithful return.

J. Redmond Barry.

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3377. It was stated by a witness who preceded you, connected with the Board of Works, that he did not consider that any portion of any report of yours containing any important suggestion was ever reduced in its proportions, and that the only matters taken out were extracts from newspapers, and rather irrelevant matters?—I leave the Committee to judge of that, because I will show them what it was which was extracted.

3378. I have requested you to bring over, by order of the Committee, portions of any reports which have been so abridged; have you them?—I have.

3379. Will you hand them in?—I will; the portions marked in red ink of the two reports which I now hand in were the portions of my reports which were suppressed.—(*The Witness delivered in the same as being the suppressed portions of his reports for the years* 1865 *and* 1866, vide *Appendix.*)

3380. What were the suggestions which you offered?—They were very trivial; they were very unimportant.

3381. Was there ever any important suggestion or recommendation of yours taken out of your report, and not given to the public?—I really can hardly say that anything was very important; there were, however, suggestions, and I must say that a general instruction which was given to Mr. Ffennell and myself, according to his statement to me, from the former Chairman of the Board, Sir Richard Griffith, was that we were never to recommend any course which would be calculated to produce any expenditure; that it was our especial duty to avoid that.

3382. When you became Inspecting Commissioner, had you, as a member of the Commission, the power of voting upon your own reports?—Never.

3383. Then, in whom lay the power of taking out any portion of the reports?—The Chairman, distinctly; I think that the present Chairman has generally consulted his colleague, Mr. Le Fanu, upon the subject, and upon most subjects connected with the fisheries, but formerly it was done, I think, by Sir Richard Griffith, with the aid of a gentleman in whom he placed great confidence, namely, Mr. Brady.

3384. When you became Inspecting Commissioner, was not your position precisely the same as that of any other Commissioner of the Board, with equal power so far as regarded fisheries?—The subject was not introduced at the Board.

3385. If, as Inspecting Commissioner, you presented a report, did the Chairman assume to himself the right to take out of that report any portion which he thought proper to take out without giving you or your colleague, Mr. Ffennell, an opportunity of voting upon its retention or not?—He did, summarily.

3386. Does not that appear to be an improper assumption of power?—He may have been right; he exercised the power at all events.

3387. Then, we are not to regard that your published reports as Inspecting Commissioner exhibit your entire views with regard to the fisheries; a good deal which you would have wished to appear did not appear?—I felt at all times a most anxious desire upon the subject; perhaps I might have gone a little further than was wise.

3388. When you and your colleague, Mr. Ffennell, had the control of the inland and sea coast fisheries, I suppose that it pretty well occupied all your time?—Indeed it did.

3389. With the assistance of another officer, Mr. Brady, who was subsequently made inspector, I think, under your control?—Yes.

3390. You were pretty well employed?—We were.

3391. Did it not occur, that while the inland fisheries and the sea coast fisheries remained under the Board, you were deprived of the services of your colleague, Mr. Ffennell; he went to England?—He did.

3392. The whole work of the Board then devolved upon yourself, and upon Mr. Brady under you?—Yes.

3393. Did it not also occur that while the whole matter of the inland and sea coast fisheries was still under the control of the Board, you were likewise deprived of the services of Mr. Brady as well as of Mr. Ffennell?—Yes; he became associated with another department.

3394. And the whole thing devolved upon yourself?—Yes; but I had a very excellent successor in Mr. Brophy.

3395. Was not it an impossibility that one man could adequately fill the duties which then devolved upon you?—I must say that our powers were so extremely limited that I do not think that more persons could without further powers have done much more.

3396. After some time, I believe in the year 1862, the inland fisheries were placed under a distinct commission?—Yes.

3397. You have had the whole of the sea coast fisheries under your control?—Yes.

3398. There are 38 fishery districts in Ireland?—Yes.

3399. Had you the power of visiting those districts, and paying the expenses necessarily incurred, without getting the permission of the Board, although you were Inspecting Commissioner?—Certainly not, without their assent. An order was made at the instance of Sir Richard Griffith (I presume that it was in consequence of the communications with the financial department), that no travelling expenses should be incurred without an order from the Chairman or the Board.

3400. Have you yourself been able or not to make inspections of those 38 districts?—Certainly not; but I am bound to say that since Colonel M'Kerlie has become the Chairman of the Board, and Mr. Le Fanu has been his colleague, upon every occasion when I have suggested the necessity of a visit anywhere, it has been readily assented to by them.

3401. Would you consider it desirable that those 38 districts should receive at least one visit a year from an official in your position?—I scarcely know what good could be done, without more powers than we had. We had generally communications which enabled us to judge of great deficiencies, but we had no power of remedying them.

3402. But do you not think that you might have done a great deal of good in informing the fishermen with regard to improved modes of fishing, and in encouraging them in other ways?—Any attempt of that kind on the part of a single individual would have been vain. If I went to any district, and remained for some four or five days, or ten days in that district, I have the vanity to think that I could not be there without effecting some good.

3403. Colonel *Vandeleur.*] You have stated that you had no power to remedy the great deficiencies which you saw; what were those deficiencies?

ci encies?—The want of means. There were many parties in great distress, and whose boats were in a bad condition, and we could not repair them.

3404. *Chairman.*] If you had been left to your own free-will, and had had a *carte blanche* to go whenever and wherever you chose, I suppose that you would have made more frequent visits to those various stations?—It is very likely that I should when I was a younger and a more vigourous man than I am now.

3405. I believe that you have very often considered it necessary to bring fishery matters under the notice of the Board?—Generally; when any occasion required it.

3406. Has it occurred that, from the very onerous and voluminous duties which the Board of Works have to perform, you have not been able to receive from them that attention regarding fishery matters which you would have considered desirable?—I have felt it to be almost cruel to inflict it upon the time of the Chairman, as he has been so loaded with the pressure of business; and I think that the Board have been cruelly treated in not giving them another commissioner.

3407. I believe that Colonel M'Kerlie and his colleague are regarded as about two of the most hardly-worked officials in Ireland?—I believe that they are, more especially the Chairman; I do not believe that there is a more laborious man in Her Majesty's service than Colonel M'Kerlie.

3408. In addition to the duties appertaning to the fisheries, I believe that Colonel M'Kerlie and Mr. Le Fanu have rather more than they can get through as the matter stands at present?—As it stands at present, I think that it is insufficient.

3409. Do you think, with regard to the fisheries, that it would be desirable to have the inspection and management of the inland and coast fisheries combined?—I do not think that it is desirable.

3410. Would you rather have them under distinct management instead of having those two departments under one Board and under the same control?—That is a question which I would rather not answer. I think that much of the efficiency of a department would depend upon the opinions which the individuals appointed to administer it entertained of the expediency and justice of the measures which they were about to administer; and I think that if there was any difference in that way it would very much mar the advancement of matters, and I think that things are better as they are at present.

3411. With regard to so important a branch as the sea coast fisheries, do you consider that it would be desirable to have it under the control of an independent Board who would devote themselves exclusively to its management and control?—I think that a considerable time would elapse before any Board, however efficient they might be as individuals, could become so well acquainted even with the subject of the sea fisheries as the whole of the Board of Works Department, to a certain extent, may be considered to be. Then, in point of economy, there can be no question about it. People talk of 15,000 *l.* a year being given to Scotland, and 1,000 *l.* a year to Ireland; that is very true, but the work is done by a department which is paid for doing other work, and do it in addition to their other work, and they do not complain of it. The Secretary of the Board of Works is the Secretary to the Fishery Board. One of the principal clerks is an individual whom I may call my right hand in my operations; the solicitor to the Board is the individual to whom we refer upon all occasions of law. The fact is, that the work is done by that department. Now I think that it would take a great many years before a new department could be so trained as to make it so efficient as that department now is. At the same time I am far from denying the necessity for an addition to that staff of persons, whose duty should be exclusively devoted to the inspection and supervision of the coast fisheries, and most especially if there were any species of encouragement given.

3412. For the proper carrying out of the fisheries, are you of opinion that if they are allowed to remain under the Board of Works, the staff of the Board of Works, as regards commissioners and other officers, should be augmented?—Most distinctly.

3413. Or do you think that the fisheries should be placed under a distinct department?—I think that the former would be better.

3414. To enable you to discharge your very onerous and important duties, you have been obliged to have the assistance of another officer of the Board of Works, namely, Mr. Brophy?—Yes; and a most efficient officer he is.

3415. And you have been occasionally obliged to employ him in holding investigations?—Yes; I have done so upon two or three occasions when I was exceedingly ill; I was in my bed upon one occasion. During the last winter, which was known to be a very severe one to elderly people like myself, I was seized with a most severe attack of bronchitis and Mr. Brophy most efficiently performed the business in holding one or two meetings.

3416. But it was quite essential that you should have such an officer as Mr. Brophy?—Certainly.

3417. Then, under existing circumstances, do you consider that there ought to be an addition to the fishery staff?—Clearly.

3418. With regard to the oyster fisheries, do you consider that there are very great capabilities in Ireland for a large extension of the cultivation of oysters?—Most certainly.

3419. Have you visited the Isle de Ré?—I have not.

3420. You have visited several districts in England?—I have visited Whitstable.

3421. And you have devoted a great deal of attention to the subject?—Yes.

3422. And I believe that we are indebted to you for a pamphlet published by the Board of Works?—We collected and published articles from various sources, and some translations from French writers on the subject.

3423. Will you be good enough to give to the Committee your ideas with regard to the facilities of Ireland for oyster cultivation?—I am quite sure that there are numerous places under the existing laws where licenses may be had for the formation of private beds adjacent to the estates of individuals. The disposition to cultivate has been growing latterly, but I think that a great deal may be done which has not yet been done; I think that we should have some trained persons to send to those individuals who were disposed upon their estates, or upon the shores adjacent to their estates, to form oyster beds in order to teach them how to do it. We have been telling them, "You ought to go to the Ile de Ré." Every person will not go to the Ile de Ré; but there ought to be a number of trained persons to go down and aid the proprietors in the cultivation, and those proprietors should pay for their services; I think

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I think that it requires a little skill and judgment to look after the thing.

3424. Ought such a body of trained persons, in your opinion, to be under the Board of Works?—I think that they ought to be under a public department; I think that three or four such persons might be very usefully employed.

3425. I believe that in consequence of your excellent pamphlet several persons were induced to go into the oyster cultivation?—Yes.

3426. And they have obtained licences?—Yes.

3427. Have artificial oyster beds in your opinion been a commercial success?—I am afraid that they are very slow in their progress; a great many persons have got their licenses anticipating a state of things as very likely to come round; that is to say, that persons for commercial purposes would seek a transfer of those concessions for valuable considerations; and I know that in those cases where most good has been done, some persons upon the coast have transferred their concessions to English oyster dealers, and that those are the cases in which the most good has been done, because the money has been expended with both liberality, and judgment.

3428. Has there not been a very successful oyster laying in Clew Bay?—Yes; upon a part of the foreshore of my Lord Sligo's property; there is a good deal of it also upon the coast of Galway.

3429. Are there not many other places where artificial beds have been successful?—Doubtless there are many places on the coast of Ireland.

3430. And there might be a good many more?—Yes; there are many places in Ireland where the oyster may be most advantageously cultivated.

3431. You think that that branch of fishery interest might be advantageously cultivated?—Yes.

3432. Would it not give employment to a great many people?—No doubt; I can scarcely describe the benefit which has resulted in the neighbourhood of Clew Bay, in the position of people with small capital who have combined the operation of dredging for oysters for the supply of those beds; the agents of those estates have assured me that those persons have become independent and comfortable and properous, so that it has materially diminished the unwillingness which at first existed, that those concessions should be made to private individuals. We hold, in all cases of application for licences, public meetings, and where anything like a proof is given that a substantial oyster fishery exists belonging to the public, we never make a grant.

3433. You remember the Act of Parliament which passed on the 10th of August 1866, with regard to the cultivation of oysters in Ireland?—Yes.

3434. The 4th section of that Act provides that "It shall be lawful for the Commissioners to grant a license to the owner of any land bordering on the sea, or any estuary, or to any person or persons, with the consent of such owner, to form or plant any oyster bed or laying, whether above or below low-water mark." Does not that preclude, even in large estuaries, such as the estuary of Waterford Harbour and the estuary of Cork Harbour, and other harbours with which you are very well acquainted, any person from laying down oyster beds without the consent of the owner of the adjacent land below low-water mark, even though he should determine not to plant oysters there himself?—Yes; it gives the exclusive privilege to the proprietor of the foreshore.

3435. You know the Waterford estuary very well?—Yes.

3436. For a considerable distance, say from Craven Head up to Dunmore, which is close upon three miles, and for the same distance upon the other side, the property is owned by two proprietors?—Yes.

3437. Do you consider it a politic thing to give those two proprietors the power of preventing any person from laying down oysters in that extensive estuary?—I do not know. I presume that the Legislature considered that there should be some qualification and some limitation to the right to entitle a man to get a licence, and that the proprietor of the foreshore was entitled to that right. I quite agree with you that, without the consent of the proprietor, nobody else can seek for a licence which can be available, because you cannot ask for a licence from low-water mark into the deep sea; you could not have it.

3438. But supposing that you could have it, does not this Act absolutely give the proprietor of the adjacent shore the power over the estuary below low-water mark?—It does.

3439. You know the estuary of Limerick?—Yes.

3440. There is a very large portion of property upon the Kilrush side, owned by an honourable and gallant gentleman, just the same as in the case of Waterford harbour?—Yes.

3441. Would you consider that in the case of the estuary of Limerick and of the estuary of Waterford, if the landlords chose to play the dog-in-the-manger, and did not themselves plant oysters outside the foreshore, they ought to be allowed the power of preventing other parties from planting them; would it be politic?—I think that the landlord has not an exclusive right over the oyster fisheries. I think that it is for the purpose of encouraging a landlord to render those fisheries oyster fisheries which are not oyster fisheries at present. If there be a valuable oyster fishery, and if it be the several right of the landlord, we cannot interfere with it at all. If, on the other hand, there be a productive oyster fishery adjacent to the shores of the property of any proprietor, we cannot interfere with it if the public own it.

3442. Hitherto has it not been considered that below low-water mark is the Queen's highway?—Precisely.

3443. But does not this Act of the 29th and 30th of Victoria reverse all that, and give to a proprietor, so far as oyster layings are concerned, a power over the Queen's highway of the water, which he never enjoyed before?—It gives him a right to create an oyster fishery at his own expense.

3444. Beyond, and to exclude others, limits which he ever enjoyed before?—Precisely; because if you did not give him some extent of deep water, it would never be worth his while to cultivate the mere shore which strips at low water. There are however occasions upon which we have not given anything beyond the low-water mark, and in the very locality which you speak of in Clonderlaw Bay, in our license to Mr. Reeves, we have not granted him more than from high-water mark to low-water mark. There was opposition on the part of the public, and they came forward, and

and said, "We are quite satisfied that Mr. Reeves shall have a right to plant between high-water and low-water mark, but no further."

3445. In the event of the proprietor of the adjacent land not being disposed to plant oyster beds below low water, would you not be inclined to give to other parties the power of doing so under the recommendation of a Government officer?—If it be valuable ground, and if the proprietor will not avail himself of the privileges which he has, I think that it is only fair that any individual who is disposed to invest capital upon it should be permitted to do so.

3446. You have stated that you think that the proprietors of land adjoining the sea might cultivate oysters extensively?—I think so.

3447. Have you read the clauses in the Bill which enable such proprietors to borrow money for that purpose under the Land Improvement Act?—I have.

3448. Supposing that the security is approved of by the Board of Works, would you consider it a wise proceeding to allow money to be so borrowed and so expended, the first instalment, under the direction and supervision of such an officer as yourself?—I am very much afraid that it would be an unstable foundation; I believe that perhaps a good many persons would be disposed to enter into wild speculations upon the subject. And again, it is not usual for the Board of Works to lend any money except as a specific charge upon property. There is no property to be charged in this instance, unless they are enabled to charge the adjacent estate, and in that case perhaps it may be said that the rights of the remainder man would be encroached upon, by permitting an individual proprietor to borrow money upon an entailed estate, for instance; not to improve the estate itself, but to invest the money in a very problematical speculation.

3449. But the money which is advanced by the Board of Works, is advanced by instalments?—It is advanced by instalments, as it is expended.

3450. And the expenditure of each instalment has to be vouched for by an officer of the Board of Works?—Yes.

3451. We will say that an oyster laying costs 2,000*l.*, which is not a large sum for it, and that your Board advanced 1,000 *l.*; the first outlay would be 250 *l.* By the time that that was expended, do you not think that a tolerably good conclusion could be arrived at, as to whether the speculation was likely to turn out successful or not; the inspector having previously reported in favour of a loan for the purpose?—It would take a long time to ascertain the result of a speculation of that kind.

3452. The Bill proposes to grant loans to parties who would now be entitled to borrow money from the Board of Works?—Yes. My impression is, that it would not be desirable to charge an estate, and most especially an entailed estate, with money for such purposes, which money would not be spent in the improvement of the estate, but would be spent in a speculation.

3453. But during the lifetime of the proprietor would he not be bound to repay allowances as they became due?—Most undoubtedly; that would be another species of security. I do not see any reason why a good security upon an unentailed estate should not be given, and why money should not be lent for that purpose.

3454. Your Board has granted large loans for the drainage of land?—Yes.

3455. Has it not sometimes occurred that the money advanced for drainage has turned out wholly unproductive by reason of the choking up of the drainage works by a particular kind of weed?—Generally speaking, I have reason to believe that that most important Act, the Land Improvement Act, has been one of the most valuable Acts to encourage improvement which was ever conferred upon Ireland.

3456. Have you read the provisions in the Bill with regard to voluntary agreements between owners of vessels and crews?—Yes, that is a most important consideration.

3457. Do you concur in those provisions?—Yes, and I would most respectfully suggest to the Committee that those provisions should be carried a little further. I have had a communication from Howth (where perhaps the subject is best understood) since my arrival in town. They especially complain that those people who went this season to the mackerel fishery had terrible scenes with some of their crews, and they complain of the insufficiency in the law at present. The magistrates at petty sessions have refused to receive complaints against a crew who have been paid by shares, alleging that they were partners. I beg respectfully to submit to the Committee this letter from a most respectable gentleman, namely, Mr. Forster, the general manager of the Irish Sea Fishery Company.—(*The Witness delivered in the same*, vide *Appendix.*)

3458. You consider that those voluntary agreements which are provided for in the Bill would be desirable?—Most desirable.

3459. Upon a late occasion, when this Bill was under consideration in the House, an Honourable Gentleman stated that the present unsatisfactory state of the Irish fisheries was to be attributed, in a great measure, to the fighting and disagreements of the fishermen round the coast of Ireland pursuing different modes of fishing. From your knowledge of the fishing population, do you consider that that gentlemen was correct or was in error in making that statement?—It has not been my experience; on the contrary, it is my firm belief that a more peaceable and a more orderly, or a better conducted class of persons could not be found than the fishermen upon the coast of Ireland, generally speaking; perhaps there have been rows in some places, but in very few places indeed; they are very limited.

3460. Upon the whole, you give them a good character from your long experience of them?—Remarkably so.

3461. Mr. *Herbert.*] Do you know the western coast of Ireland well?—Pretty well.

3462. The coast of Kerry?—Yes.

3463. Could the fishermen along that coast give good and solvent security for any loans which might be granted to them by the Government?—I really am unable to answer that question.

3464. You said in your evidence that their morals were changed; what do you call their morals?—I think that the consequences of the famine have been very unfortunate to that country. I do not think that a high standard of good feeling has subsisted ever since that time.

3465. Do you mean that men who would have

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paid their just debts before the famine, would not do so now?—In the first place, I do not think that they are so well able; and in the next place, I do not think that they have as strong a moral feeling as they had before that time.

3466. Under those circumstances, you would not recommend loans to them?—They may be improved.

3467. Why did not the population diminish in the islands along the coast?—I can hardly imagine the reason, except that, perhaps, the inhabitants of islands acquire a greater attachment to their residences, and there has been a less disposition to remove from them.

3468. Do you think that being on islands they were obliged to fish more for their living, and therefore caught more fish?—I think that they have continued to live upon the islands, but I do not think that they can fish so much as they did. There is one island with which I am particularly acquainted, namely, the Island of Cape Clear, in the county of Cork, and there the fishermen have been very much reduced in numbers, and yet the population has not been very much diminished.

3469. Do you not think that if the fishermen on the Irish coast had a little more energy, they could do more with the fishing?—It is of course a question, but I think that there is a great deal of industry on the part of the fishermen on the coast.

3470. Take the Kenmare estuary; can you account for their never sending fish into the market; Killarney is a very few miles off, with a car going from Kenmare to Killarney every day; can you give any reason why those fishermen do not send fish to Killarney where there are tourists during the summer?—I cannot account for it.

3471. Do you not think that it shows a want of energy upon the part of the fishermen on that portion of the coast?—Perhaps there is not so much of the principle of co-operation as there should be amongst them, but the quantity which each man takes probably does not make it worth his while to send it to the market, and he sells it cheaper, and perhaps sells it to what is called a cadger, who buys from him.

3472. Colonel *Vandeleur.*] You have been asked several questions with regard to the oyster beds in the Shannon; you have mentioned Mr. Reeves's bed?—Yes.

3473. Can you state whether up to this time it has been a success or not?—I have reason to believe that it has, at least there are all those indications of success which one could desire to see. The last time when I visited that quarter, which was in December last, we had exhibited to us some proofs that there had been a very considerable spatting; and I know that Mr. Reeves, after having visited the Ile de Ré, has with considerable ingenuity adopted some of the most improved plans for securing the spat, and he exhibited to us some of the tiles, or flats, upon which the spat had fallen, and showing a great indication of improvement.

3474. You are aware that he brought a person from the Ile de Ré?—Yes, and he has done the thing most judiciously.

3475. How many years have his oyster beds been established?—In 1862 he got his first license.

3476. Are you aware whether any profit has been made since?—It probably occupied a good deal of time before arrangements were made for making a fair commencement. I do not think that it is more than two years since he first commenced it. I do not think that he can have derived any great profit yet; it has been all outgoing, and will probably be so for a considerable time. He had to contend with a great deal; he had, I believe, a very muddy shore.

3477. Are you aware that that muddy shore is what the Ile de Ré people have recommended?—For fattening, but there must be some means of counteracting it.

3478. I have understood that you require a blue mud, and that unless you have that blue mud you have not the fattening qualities?—Yes.

3479. Are there any symptoms that that blue mud has the fattening qualities?—I have been assured by Mr. Reeves that the bottom in his beds is pretty much of the same nature, and therefore is very favourably circumstanced for fattening.

3480. Therefore he has tried that as effectually as could be done?—Yes.

3481. But you are not aware whether there has been any profit?—I doubt whether there has been any profit yet, but I think that there are fair prospects.

3482. How many years do you think would elapse before any profit would arise?—I could not tell; I think that this is the second year that he has laid down the tiles. I suspect that in a great many cases where he laid down the matured oysters, he had not made proper arrangements for them at the bottom, and that they have not been very successful; it was by no means the most favourable situation for the purpose.

3483. Opinions differ, because that situation was especially chosen as a most favourable one?—By him?

3484–85. By him and by a person who came especially from the Ile de Ré; what would it cost per acre to plant a bed?—There was a case in Clew Bay, and this is a statement by Mr. Brophy, dated 4th January 1866: "At the Oyster Fishery Inquiry at Westport, on the 18th ultimo, Lord John Browne tendered evidence to show that the Islandmore Oyster Bed, licensed on the 2nd November 1865, was properly stocked with oysters, and requested that the Commissioners would issue a certificate attesting the fulfilment of the condition attached to the license. Mr. James Bernard was sworn, and said: I am the manager in Clew Bay to the Messrs Baxter, Ferrard & Baxter, of London, who have taken a lease of the Islandmore bed from the Marquess of Sligo; I am the manager of that bed, and have had 25 years' experience of such matters; that bed is now planted; it is 25 acres in extent, and I will say that there is not a prettier planted bed in any bay. I have put 7,700 buddaghans of oysters upon it, and I will lay down some more; it is overstocked in some parts and not sufficiently in others. There is a great deal more oysters on the bed than is necessary; it is sufficiently planted for all purposes, and I believe that the good which this bed will do to the ground outside will, before three years, be more than a full equivalent for the alienation of the bed from the public; in fact, it was no alienation at all, for there was not an oyster upon it when I took it in hand; not a single oyster. I offered to give Lord John Browne 1 *l.* for every oyster upon that place, so confident was I of the total absence of oysters.

The

The cost of the 7,700 buddaghans of oysters laid down on this bed was 2,125 *l.* 5 *s.*, and in addition there was 161 *l.* paid for employment alone. This bed is planted upon the most approved principles, and is a perfect specimen of a well-arranged bed."

3486. Mr. *Cooper.*] What is a buddaghan?—It is 300 oysters in a kind of basket.

3487. Colonel *Vandeleur.*] Are you aware whether any profit has been realised upon that?—This is an Englishman, a dealer in oysters, and he has taken a great portion of those oysters, and has shipped them to England and to various places, and I cannot state what his profits have been.

3488. Is it is easy to obtain seed oysters?—Very difficult.

3489. It is stated in the Report of the Royal Commission, that it is almost impossible to obtain seed oysters; is that the fact?—It is exceedingly difficult to find the seed oysters.

3490. Unless you breed, you have no chance of stocking the bed?—Just so. There was a regulation made by our board pursuant to the powers vested in them restraining the taking away by dredges in several localities of oysters under certain dimensions: we found it necessary in particular localities to relax that regulation for the benefit of the beds in those localities; that was done in Clew Bay.—(*The Witness delivered in the document,* vide *Appendix.*)

3491. When oysters are laid down in a place like Clew Bay, it not only benefits the owner, but it seeds all the neighbouring ground?—We look upon that to be more than an equivalent for curtailing any rights of the public to a certain extent by giving to an individual a right over ground which belongs to the public.

3492. Can you mention many places where the public have dredged to such an extent that they have exhausted the beds?—It has been so stated to us, and in those cases we have endeavoured to counteract the over-dredging by the restriction to which I have alluded.

3493. Have you ever been asked for an order to prevent dredging for a certain time?—In one case we were, in Lough Foyle; and it has been asked for in Carlingford Lough.

3494. Do you remember its being asked for in the Shannon?—No; there was not a formal application to that effect, but it was suggested.

3495. Do you consider that it would be wise to repeal that provision in the Act, giving a power to the Commissioners?—I do not think that it would; on the contrary, I have always thought that it would be a very salutary measure. We have had the best authority for believing that in cases where there were even restrictions as to size, the most beneficial results have followed as to the beds. If you will allow me, I will read to you a short statement from Mr. Batt, a very respectable gentlemen in Sligo: "Mr. Thomas Batt said he wished to bring under the notice of the Commissioners the general state of the oyster fisheries of the bay, in order that steps would be taken to prevent the carrying away of the small oysters. He thought the people interested in this fishery would be prepared to recommend, if a public inquiry took place, that a jubilee, or total cessation from fishing, should be established for one, two, or three years, as might be determined upon. The beds were in rapid progress of exhaustion; no regard was paid either to season or to the size of the oyster. Old and young were taken at all times, and exported to England and France for the purposes of being laid down on beds there. The application of such a principle might be for a time of advantage to the English and French beds, but it would ultimately terminate in the ruin of the Irish, and thus in the end be disadvantageous to those beds for which stock was required."

3496. Do you consider that it would be just or fair for the Commissioners to grant a license in deep water outside another license; outside a license existing between high and low water?—I do not think that it would be possible; I think that it would be only laying a foundation for litigation and for contention, and that was the reason why we originally sought for an extension of the power which we had in the first Act that was passed to grant licenses, which went no farther than low-water mark, which was passed. We then found that proprietors of land were naturally unwilling to plant oysters in that space, from the apprehension that the disposition of the oyster would be into deep water, and they would be doing it for the benefit of the public at a very considerable cost; and then we got permission for as much of the deep water as was considered reasonable.

3497. Would it not also be interfering with the rights of the public as at present exercised?—We are to suppose that in neither case does it interfere with the rights of the public, because where there was a productive oyster fishery we should not give such a license.

3498. If such a license was given, it would be interfering with the rights of the public, because it would be giving a license outside the other license?—I think that it would be very unwise, because I do not think it would be wise for any person to plant an oyster bed in a deep water without having some shoal water near it.

3499. There is considerable trouble in watching the shore?—No doubt of it.

3500. Have you read the 14th clause in the Bill, which states that "It shall be lawful for the owner or occupier of any land bordering on the sea, or any estuary, with the permission in writing of the inspectors, or for any person or persons, with the consent in writing of such owner or occupier, and with the permission in writing of the inspectors, and approved by the Lord Lieutenant or other chief governor, to form or plant any oyster bed, or laying on the shore adjacent to such lands, and between high-water and low-water-mark, and above or below the level of the lowest water mark of spring tides"?—Yes.

3501. That applies to the owner or occupier; but if you read on it says, "Or for any person or persons, without such consent as aforesaid, and with the permission of the inspectors, to form or plant any oyster bed below low-water mark, as the said inspectors shall think fit"?—Yes.

3502. The Chairman asked you several questions with regard to the owner, and suggested that the owner might be a dog in the manger; might not the occupier equally be a dog in the manger?—That is not included in our latter licenses; we have, I think, in the latter licenses confined it to the owner, or to somebody with the consent of the owner.

3503. But here it is "the owner or occupier of any land"?—Yes.

3504. Of course the "occupier" means a person

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son holding a lease for a term of years of land adjoining the shore, who never enjoyed the privileges of the public?—Yes.

3505. There are two provisions in that clause: the first is as to the owner or occupier, which appears to me to be superfluous; and afterwards there is a provision without the consent of the owners or occupier?—This section evidently adopts the words as they were in the original power given to the Commissioners to grant licenses; I allude to the commencement of the clause which gives the power to the owner or occupier. Some of the most embarrassing cases which we have had to consider have been cases of contentions between the owner and the occupier as to which had the right. Some proprietors having a mere estate in fee, with a lease for ever against them, have alleged that the right was theirs; the tenants have also alleged that the right was theirs; and we were rather embarrassed by the question until the new Act passed.

3506. The Act which was passed last year does away with that difficulty?—It does; it gives the right exclusively to the owner, or to anybody authorised by him.

3507. From your experience, are you satisfied with that Act of last year?—I think that the interpretation which is put upon it by our law authorities in Dublin has been rather too stringent in favour of the mere proprietor, the person who had the fee; I think that that ought to have been qualified, and I think that the occupier under a reasonable lease should be considered the person having the beneficial interest for the purpose.

3508. Then would you extend that to any stranger who came in?—No; I think that would be too much. It would require some limitation, because I think it quite right that the proprietor or occupier should have some control. I question much whether, if he will not exercise that right after a reasonable time, there may not be a power to give it to any industrious and enterprising person who may be disposed to seek for it.

3509. You mentioned, in the first part of your examination, that you conceived that all the tolls arising from fishery piers ought to go to the maintenance of those piers?—That was merely reading from the recommendation of the Commission of 1836.

3510. Are you not aware that all tolls now received where public money has been spent on the pier go to the Board of Works; to the Government, in fact?—I am not aware of anything of the kind. I rather think that the Board of Works derive no tolls whatsoever from fishery piers.

3511. Where public money has been spent?—Yes. There is only one single case that I am aware of, and that is Howth, and I think it most unjust and unfair.

3512. An Act of Parliament has been passed by which all piers round the coast to which public money has been contributed are placed in the hands of the Board of Works?—I am not aware of it; the piers are all handed over to the counties.

3513. And all other piers were handed over to the counties?—Yes; all the fishery piers which were constructed with public money, or to which there was a contribution of public money, have been handed over to the counties; most unfortunately, as I conceive.

3514. You are cognisant of nearly all the piers which have been built round the coast?—I know a good many of them.

3515. You have been asked some questions as to the state of the fishing between Loophead and Galway, and the state of the piers?—Yes.

3516. What class of boats are used between Loophead and the new Quay, for instance?—I think that generally they are of a very small class.

3517. Are there any seine boats at all?—I think that they are mostly curraghs.

3518. The whole of that coast is a very wild coast?—Very wild.

3519. Would it be possible for fishermen to fish there in all weathers?—Certainly not.

3520. A good many piers were built under the old Fishery Board?—Yes; and they were a very unfortunate investment.

3521. Do you know the pier of Dunbeg?—I cannot say that I have seen it for many years; I saw it once. Those were selections made during the famine of 1822.

3522. Do you know the Liscannor pier?—Yes; it was in a good situation, but I do not think that it has been of much benefit.

3523. Was the fishery there conducted by seine boats or row boats?—I think that there have been scarcely any boats at Liscannor, so far as my memory goes.

3524. There is a pier there?—A very good pier.

3525. But it is not used?—No.

3526. Do you know the pier at Arran Islands?—No.

3527. Do not the Arran Islands lie good for fishing?—Yes, but there is very little fishing out of them.

3528. Do you consider that the coast fishery has been improving or not in the last two or three years?—I rather think that it has been improving for the last two years, most especially upon the eastern coast and the southern coast, because two branches of fishery, the mackerel fishery upon the southern coast, and the herring fishery upon the eastern coast, have unquestionably been improving for the last three or four years.

3529. Is that in the condition of men and boats?—I think so. Of course I equally include our neighbours who have come to swell the numbers upon the east coast fishery from Scotland and the Isle of Man and Cornwall, and they have been a most valuable acquisition to us in good conduct and industry, and everything which is desirable, most particularly the Cornish men.

3530. You have a good recollection of the famine time in 1849 and 1850?—I have some recollection of it.

3531. During the time of the famine, did the fishermen attempt to prosecute their labours at sea; did they pursue their avocation?—I should think that they always gave a preference to the long-shore fish.

3532. I mean the poorer class of fishermen round the coast?—They were in greater numbers in those days upon the coast; they have diminished materially.

3533. During that time do you know of any instances where the fishermen threw up their employment altogether?—No, except for the purpose of leaving the country, or because they wanted boats and gear.

3534. Did they sell their boats and gear?—I do

do not know; I think that they went into decay.

3535. Round the western coast of Ireland, they were a very poor class?—Yes.

3536. They were the poorest class?—Yes.

3537. They generally held small portions of land?—Yes.

3538. And when the potatoes failed, they were completely thrown on their beam ends?—They had no resource.

3539. Do you know Port Magee, in the island of Valencia?—Yes.

3540. Was not an attempt made there to get up a fishing station?—Yes, the Royal Irish Fishery Company, who have since ceased to exist, had a station there, and it was afterwards undertaken by the brother of the present Knight of Kerry, Mr. Stephen Fitzgerald, but I do not think that it has been kept up.

3541. Were there curing houses there?—Yes.

3542. Was any effort made to procure houses for fishermen?—Yes; I think that Mr. Fitzgerald mentioned that he had several houses well built.

3543. Did they succeed?—I do not know; I know that the want of houses, was a reason why an undertaking in the island of Valencia did not succeed, and why it proved a complete failure.

3544. What undertaking was that?—A fish-curing establishment was formed by the directions of the Government during the period of the famine. The details of all that are very amply given in the 16th Report of the Board of Public Works, in the Appendix No. 5, at page 262.

3545. *Chairman.*] In what year was that?—It was in the year 1848. The matter commences at page 255 in the Appendix, with a letter from the Commissioners of Public Works to the Treasury, and it ends at page 267. It formed a very interesting detail of an experiment commenced in the year 1846, from a fund provided by the Treasury; seven stations were established in different parts, two in the north-west, one in the west, and four in the south; there were seven altogether.

3546. Colonel *Vandeleur.*] Did those stations succeed?—They did not. There is a short letter from the Secretary of the Board addressed to Sir Charles Trevelyan, dated the 6th March 1848, and it is as follows—"The accountant forwarded to the Treasury on the 29th ultimo, a statement of the account of the several fish-curing establishments now under the management of the Board; the result on the whole transaction up to the 31st of December last was a loss of 1,126 *l.* 16 *s.* 2½ *d.*, leaving, as may be perceived by the stock account, assets to the value of 3,053 *l.* 10 *s.* 9½ *d.*, inclusive of a sum of 997 *l.* 17 *s.* 7¾ *d.*, cash in hand at that time, besides a sum of 100 *l.*, balance of the original fund (500 *l.*) in the hands of the Lords of the Treasury, and not yet drawn by this Board. It will be seen that a large proportion, fully one-fourth of the whole loss sustained, has been occasioned by the failure of Roundstone Station, the cause of which has already been explained in the Board communication to the Treasury upon this subject. Whilst the accounts referred to are to be considered as furnishing an unfavourable statement to the affairs of the stations in a pecuniary point of view, the Board wish to observe that the results in every other respect have been highly satisfactory. In the stations on the south-west coast, though but little return in a pecuniary way has been obtained, advantages appear in the spur which has been given to industry, and in the benefits of example and education necessarily conferred through the operations of these stations. These advantages can scarcely be overrated, and the Board would look confidently forward to pecuniary profits also from these stations, if steadily maintained for such a period as would encourage private parties to invest funds in providing boats and gear, and by these means be enabled to procure a greater quantity of fish than would be sufficient for the local demand. With reference to the stations on the north-west coast, which have been for a longer time established, but which may be said to be only now coming fully into operation, the beneficial results are daily increasing; and since the termination of last year, the Board's agents have been enabled to sell considerable quantities of cured fish at a large profit; that is, calculated on the whole transaction of the purchase, cure, and sale of same. In furnishing this account the Board also desire to call attention to the policy and principles upon which these stations have been planned in the most remote parts of the coast of Ireland, and to show how far they have served the purpose for which they were established. Whilst it is admitted that the main object in the establishment of the stations was to prove that the curing of fish might, if conducted by private enterprise, be carried on with profitable results, it must be observed that, as Government establishments, the Board were scrupulously obliged to avoid all interference with private enterprise, and thus, in the endeavour to afford instruction and example, it was impossible to pursue that course which a regard for profit alone would have directed them to adopt. The very plan which was laid down for the guidance of the Board, purposely excluded them from rendering available the means which private parties would have adopted, and thus the climax of opposition to profitable trading was reached by selling salt in small quantities at cost price, to set up rival curers in the localities of these stations. The carrying out of these principles and policy has had the effect of shutting out, to a great extent, the Board's agents from the fresh-fish market, but has been attended with results of a beneficial nature in other respects far more extensive than could have been anticipated. The markets on the south-west coast are now most abundantly supplied with cured fish, and this abundance is mainly, if not solely, attributable to the existence of the stations, with the advantages afforded by the sale of salt and fishing gear." You will find that the details are afterwards given in several reports upon the subject, which are very interesting.

3547. Mr. *Bonham-Carter.*] I understand you to say that the only way in which you would deal with any loans for the regeneration of the fisheries, would be not by making them directly to the poorest class, but by making them to the employers, who must certainly be in a respectable position?—Yes.

3548. What is there to prevent people in a respectable position from employing men at the present time?—The want of means, in many cases.

3549. How do you define the position of such men?—There are a great many very industrious

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persons who perhaps can give security, and who are very well disposed to employ the small means which they have, and who could do better by having increased means. I draw my conclusion mainly from the result of the aid which has been afforded to some intelligent and respectable persons at Howth, who have formed establishments there of a most respectable character, and I also think of a prosperous character, in consequence of having been aided by the Society in Dublin of which Mr. Andrews is a member; they have granted them large loans in addition to their other means, and they are now progressing in the employment of the means of fishing.

3550. What should prevent these people whom you point out as having had grants already from obtaining money from the ordinary sources from which capital is obtained if they can give security?—I do not think that in Ireland the same legitimate resources exist to enable an industrious person to enter into any undertaking of that kind which may be found in this country.

3551. When you speak of these loans, do you make any distinction between the eastern and the western coast?—I should say that wherever an establishment was formed it would be desirable to have facilities afforded to persons in order to employ the people.

3552. I understand you to say that there was great difficulty with regard to fishing stations on the western coast, from the unwillingness of landlords to allow the continuance of fishing villages, and that they were occasionally pulled down?—That was at a particular moment; it was at the moment when the famine had caused great distress, and when there was a serious apprehension that if a class of occupants were allowed to remain who might be subject to the great fluctuations to which the fishing classes are subject, they would be a permanent burthen upon the rates, and that therefore the poor rates would increase. It was, as I conceive, a very mistaken policy, but I know whole fishing villages which have been swept away where there was a most industrious class of people.

3553. Do those villages remain deserted still?—They are gone.

3554. Would you make grants to establishments of boats in those cases where the landlord himself did not encourage the settlement of people by the building of houses?—I think that it would be the most legitimate source of relief.

3555. Supposing that he was not disposed to encourage these establishments by the grant of land and houses, would you put any coercion upon him?—Certainly not, I have no notion of coercion at all for the purpose.

3556. I understand you to say that on the western coast it is almost impossible to prosecute fishing successfully, unless in connection with the occupation of land?—I am quite sure that there would be no difficulty at present in obtaining a facility, so far as the land goes, of forming fishing establishments upon any part of the western coast, although it was the mistaken policy of some landlords to get rid of the fishing classes at the precise time which I named; it was following the unfortunate famine.

3557. I think you have stated that upon the whole, the outlay on piers upon the western coast was not judiciously made?—Certainly not.

3558. I also understood you to say that if piers were made judiciously, a large class of boats would spring up?—Very likely.

3559. How would they spring up?—In the vicinity of a productive fishing ground parties may be found who would, perhaps, come and make establishments there if they had shelter for their boats.

3560. Would these boats which you think would spring up, replace the canoes and curraghs?—There are parts of the coast where I think that it is not likely that any large description of boats will supersede the canoes, it is so very wild.

3561. On the whole, I understand from the Report of the Commissioners, that the nature of the western coast is such that it cannot be beneficially fished excepting by the smallest class of boats?—We have generally believed it to be so.

3562. Then do you see any particular reason for any considerable outlay for piers on the western coast?—No, I do not think that much can be done. I think that the effort in very exposed situations, at anything like a moderate sum, to obtain shelter by the construction of a pier, has been in most cases a failure.

3563. Is there any difficulty in obtaining land for slips?—None whatsoever; it is one of the objects included in the Piers and Harbours Act, and as I conceive, one of the most beneficial.

3564. Have you granted any money for slips?—Yes, I think that there has been some granted.

3565. Is there anything to prevent your continuing those grants?—Nothing.

3566. I presume that the slips, if made, should be convenient as regards the habitations of the fishermen?—They should be very near to the villages, or to the stations where the boats are kept. I look upon it that a slip which would cost one-tenth part of what a pier would cost, would give great facility, and would be more useful.

3567. Then three elements of success are requisite for the fishermen; namely, houses to live in, land to occupy them during the time when the fishing cannot be carried on, and slips rather than piers on the western coast?—Exactly so.

3568. Are not all those elements connected with the land, and does not it rather devolve upon the landlord to supply these necessities in order to prosecute the fishing?—Yes, if in the first place he has the means, and in the next place, the disposition.

3569. Is there anything in your present powers which should prevent your giving assistance in two of the items?—Nothing, so far as regards piers or slips, or any of those substantial erections. I do not think that there is any power for houses, except that I believe that there is a very recent Act with respect to dwellings which may be put in force for the benefit of the fishermen.

3570. Do the Claddagh men generally have land?—No, they are certainly a miserable set, and ever will be.

3571. The Claddagh men have hitherto been without very considerable difficulties in the way of the prosecution of fishing in the Bay of Galway, have they not?—They are a peculiar set of men, and they have very many prejudices; at the same time I think that they have been very badly managed.

3572. I understand

3572. I understand you to say, that one of the reasons which prevent the increase of fisheries on the western coast, was the precariousness of the pursuit?—Yes, and the wildness of the coast, and the inclemency of the weather.

3573. And on the whole, it is desirable to meet the increasing demand for agricultural labour?—Yes.

3574. In your opinion, is it desirable to make any greater outlay than you at present have the power of doing, in order to attract to the pursuit of fishing the people who are now seeking employment?—I think that any person who is at all profitably engaged in agricultural pursuits, is a great fool if he turns to fishing.

3575. When you stated that loans required to be very judiciously managed, and that certain benevolent gentlemen had done so, did you refer to the society for bettering the condition of the Irish working classes?—I referred to the society which has been named by Mr. Andrews, and of which I wish to know more, for I think that it has done great good hitherto; and I think that it is greatly to be deplored that there are not more detailed statements of its operations, and that it is not more under the public supervision.

3576. On the eastern coast the fishing is clearly improving?—Unquestionably.

3577. And there are several private enterprises of a successful character on the eastern coast of Ireland?—In fact, an unexampled state of prosperity has been growing within a very limited space upon the eastern coast of Ireland, within the last three or four years; it has been concentrated at about Howth.

3578. I understand you to say, that the example of the men from the English coast, and especially of the Cornishmen, has been very advantageous?—There is not a doubt about it; I think that they were the pioneers of all our fishing prosperity.

3579. And that is still operating?—It is.

3580. Supposing it to be operating, and operating beneficially, do you see any necessity for making a grant, other than you have now the power of doing, namely, of a substantial kind for dwellings or for piers or for slips, on the eastern coast, which should increase by Government assistance the very useful competition which you state is now existing?—I do not think that aids of that sort are required on the eastern coast generally, but I think that the encouragement of substantial curers would in a very short time make that eastern coast something approaching to what the eastern coast of Scotland is at present.

3581. Why should not substantial curers encourage themselves?—Many of them would do so, if they had means.

3582. Am I to understand you that on the eastern coast, fishermen do not require any special fostering?—There are several improvements necessary, and especially on one part of the eastern coast, namely, Howth.

3583. Which improvements you have at present the power of making?—Certainly not, because we have not the means.

3584. I mean the legal power of making?—No, we have not the legal power of making them. For instance, there is the harbour of Howth, which ought, in an Imperial point of view, to be considered as a shelter to England, Ireland, Scotland, and the Isle of Man, and the improvement of it is a mere pitiful improvement at present; it is a mere cleansing of it from the effect of silting. It is at present very near yielding a return of 1,000 *l.* a year for tolls in various ways, tolls and rents; I calculate that it is over 700 *l.* a year at present.

3585. Is there no power of applying those tolls to keeping the harbour clean?—No, they are not applied to expenditure on the harbour.

3586. Is there no power of applying them to expenditure on the harbour?—Not that I am aware of; not under the Act.

3587. What becomes of the surplus?—I do not know; it goes back to the Revenue, I presume.

3588. General *Dunne.*] To the Consolidated Fund?—Yes.

3589. Mr. *Bonham-Carter.*] Does it go to the Board of Works?—I presume that it goes to their funds.

3590. Am I to understand you that on the whole, you have great doubts about the development of the western coast fisheries, by the employment of the largest class of the population?—There are parts of the western coast where I should very much hope to see extensive fishing establishments formed; one part most especially, namely, the Island of Bofin. It is traditionally remarkable for the productiveness of its shores; I understand that a small effort has been recently made, but I am afraid not what is necessary; I do not think that it is efficient yet.

3591. What do you propose at the Island of Bofin?—I doubt whether the Government could institute anything; I think that it must be in the first instance, undertaken by private enterprise, but every private enterprise should be most liberally met.

3592. I see that in your report you have given the returns of the quantities of fish conveyed by railway principally from the western coast. In what per-centage has the advantage of railway communication from the western coast raised the value of fish?—Very considerably where railway facilities exist.

3593. They exist at four or five points on the western coast?—Yes, they exist at Galway, they exist at Sligo, they exist at Londonderry, and upon all the north-western coast.

3594. Has that had the effect of raising the price of round fish?—I think so, and of considerably increasing the supplies to the metropolis of Ireland and to England.

3595. Has not the effect of giving railways to the west of Ireland been to give a large bonus to the west of Ireland?—Yes, one of the best which they have had.

3596. And yet we see that there is no improvement there?—There are parts on the western and the south-western coasts which have not had the benefit of it. An interval of 20 or 30 miles between a fishery station and a railway is a very serious impediment, and those impediments exist. For instance, there is railway communication to Galway, and the great fishing station of Galway is off Bofin, and in that quarter, and there is no communication from there to Galway.

3597. Do you say that, practically, the great amount of fish which is caught, or which might be caught off Bofin, would be more facilitated by having railway accommodation?—It is not within 40 miles;

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40 miles; I think that a railway to fill the interval would be of infinite value, but that with an interval of 40 miles, it is likely to remain dormant.

3598. Lord *Dunkellin.*] I understood you to say that you were against indiscriminate loans, but that you had seen benefit arising from judicious investments?—Yes.

3599. What do you mean by "judicious investments"?—I mean the intervention of a class of intelligent and respectable persons who would be security for those loans.

3600. Then by "judicious investments," you meant investments on the part of the Government in advancing money?—I do not think that I used the word "investment," but it was my intention to convey that I thought that the intervention of an intelligent class of persons as regards the expenditure of the money, and as security to the Crown for the loans, would be desirable.

3601. What would be the most judicious way of applying such a loan to the benefit of the people, supposing that you got your good security?—That would depend upon the nature of the locality.

3602. I mean generally; would it be in boats, or in harbours?—I presume that it is unnecessary for harbours (that is another part of the subject), but that it would be desirable for boats, and gear, and curing houses, and for general arrangements as regards the fishery.

3603. It would not be the same on the eastern as on the western coast?—Probably not.

3604. It must be done according to circumstances?—Yes.

3605. I understand you to say, that excepting herrings, there has been a great diminution of fish; is that your opinion?—Yes, so far as my experience goes, and it is the general belief. The nature of the fishing trade at present is such, that I think that the markets of the metropolis of Ireland afford a fair criterion of the productiveness of any particular class of fishery, because it is the practice now, from the different quarters of Ireland where fish is taken, to send it, in the first instance, to Dublin, there being a great facility of transmission. If the fish remains for a day in Dublin, and there is not a demand for it, it goes off to England, or to any other place where it will sell best.

3606. Do you think that this diminution has taken place on both coasts?—Yes. From my communications with the dealers in Dublin, they tell me that there is an enormous diminution in the supplies coming in from a distance.

3607. Do you think that that diminution may not be owing to the want of fish, but may be owing to the want of activity in the fishing class in different parts?—No doubt both causes operate.

3608. You know the eastern coast; do not you know that at Howth it is frequently the case that the men get so drunk on the Sunday, that they cannot go out fishing till the next Wednesday?—I am sorry to say that latterly they have been very much complained of. That is not generally the case with that class, but it has been complained of lately, and it is the melancholy effect of great prosperity.

3609. Supposing that the habits of the men were such as to prevent their going out fishing for two days together, would it not materially check the supply of fish in the market?—No doubt.

3610. Do you know the Claddagh men?—Yes.

3611. Do you know that they are very particular about their rights in fishing in Galway Bay, and about keeping off intruders?—I do not think that they are. I think that there is great exaggeration with respect to those people. I think that they have been very badly handled. I think that persons have interfered with them, and perhaps have found them full of old prejudices, but which were no more than regulations, considered judicious by much more civilised communities.

3612. Is it not the fact that these regulations which they have had among themselves, together with their habits, have very much prevented their going out fishing for days at a time?—I do not deny that they are full of prejudices, and that an alteration is desirable.

3613. Taking the habits of the men on the eastern coast, and the different class of habits of the men on the western coast, is it not possible that the supply of fish may be somewhat diminished, more through their want of energy than through a deficiency in the fish itself?—I think that there is more inducement to take it than there ever was; the price is higher, and the demand is greater. In Galway there is an unlimited demand, on account of the facility of transit.

3614. Probably you, like myself, have been in Galway on a fine day, and have been unable to get any fish?—That arises, perhaps, from the fish being actually bought before it is taken, so that the people who buy it send it off immediately, and that therefore there is a local scarcity.

3615. Have you ever seen a fish sold at the market?—Yes, frequently.

3616. Still, do you agree with me that this want of fish may be the fault of the men, and not of the fish themselves?—I know that that may be one of the causes.

3617. If the supply of fish has fallen short, it will be much more difficult for us to afford any stimulus to the people to go after it; you have said that on the eastern coast the herring fishery has immensely increased?—It has.

3618. To what do you attribute that increase?—I think that in a great measure it is attributable to increased industry; I think that the example shown by the Cornish men and the Manx men, who have come over, has very much operated in that particular locality, and has created, both at Howth and at Arklow, communities of fishermen who are most remarkable for their industry.

3619. Do you attribute the increase of the eastern fishery to the presence of the English fleet?—I think that it is a most important promoter of it.

3620. And it is likely to be productive?—Yes.

3621. Before the English boats came it was not nearly so productive as it now is?—Certainly not.

3622. And the presence of the English fleet is a great advantage to the fishing interests in that part of Ireland?—Certainly.

3623. Where are the head quarters of the Manx and the Cornish fleet?—At Howth.

3624. Are

3624. Are there any other harbours within the reach of that fishing ground?—They occasionally visit Ardglass, and they occasionally visit Newcastle when the fish happen to move; they are very migratory, and they are very often capricious in their habits, and they sometimes go down to Arklow; at present the whole fleet are down at Arklow

3625. What are they after now; herrings or mackerel?—Herrings; the mackerel fishery is pretty well over; that was in Kinsale.

3626. How long does the herring fishery last?—Generally till near October.

3627. And during that time we may assume that Howth is the head quarters of the herring fleet?—Distinctly; it is the most important point.

3628. You, of course, know Howth?—Very well.

3629. Do you think that, from its position and from its harbour, it is calculated to be the head quarters?—Decidedly. It is not so good as it ought to be, but it is the most suitable in point of locality; it is the most central.

3630. Can vessels and fishing-boats come in at all times of tide?—Certainly not; the harbour is very defective, and it is a cruel state of things. I have myself witnessed the greatest danger to vessels in consequence of the insufficiency of the harbour.

3631. Are there not steamers to take the fish to England?—Yes, which cannot enter the harbour.

3632. Could the harbour be so made that it could be entered at all times?—Clearly at a very moderate expense, and I know of no place demanding it more.

3633. Will you explain to the Committee what is the present fault of it, and how that fault might be remedied?—In the first place, it is not sufficiently excavated; it is a very shoal harbour.

3634. Will you tell us how it might be improved; you say that it is a shoal harbour, and wants excavation?—Yes. As to the matter of detail, regarding its improvements, I beg to present the copy of a memorial, which I think embodies most of the requirements of the harbour.

3635. Do you agree with it?—Generally. I got a further letter, received yesterday morning, from the Secretary to the Irish Deep Sea Fishery Company, Mr. Forster, a very intelligent gentleman, who suggests some further improvements.—(*The Witness delivered in the Memorial and Letter*, vide *Appendix*.)

3636. Could the improvements which are suggested in this memorial be carried out without any great expense?—I cannot form an idea, but I think the place is deserving of a most liberal expenditure.

3637. Do you know what has been already done by the expenditure of money upon it?—I do. A sum of 5,000 *l.* under a recent Act of Parliament was granted merely for the purpose of clearing away the silting and the rubbish, and it has done some good; but it was very insufficient for the purpose; 5,000 *l.* ought to be no object for such a purpose. I rather think that the Board of Works have applied for permission to expend a larger sum, and that it has been refused.

3638. Mr. *Maguire.*] Refused by whom?—By the authorities here.

3639. By the Treasury?—I believe so.

3640. Lord *Dunkellin.*] But the sum of money which was laid out effected some improvement to the harbour?—No doubt.

3641. And since it has been laid out, it has been an additional accommodation to the fishing vessels?—Yes; the badness of the harbour has been one of the means of preventing an increase. I look upon it that Howth would become the Wick of Ireland if properly encouraged.

3642. If properly encouraged, it would give a stimulus to the herring fishery upon that coast?—No doubt.

3643. And it would do good to the whole coast?—No doubt to the whole of the eastern coast. The Arklow boats come in and constitute a very large amount of the fleet; the fleet sometimes amounts to 500 or 600 vessels.

3644. And I believe that a great portion of those vessels are strangers?—A good many; perhaps two-thirds.

3645. Then a work like this, which would give shelter and inducement to the fishermen from different coasts of the Empire, is a work which one might almost look upon as a national work, is it not?—I have ever viewed it as an Imperial question.

3646. And you so view it now?—Yes; it is encouragement to Cornwall, encouragement to Scotland, encouragement to the Isle of Man, and encouragement to Ireland.

3647. There is no other harbour on the eastern coast so suitable for this purpose as Howth?—No.

3648. Can you state what the tolls are at Howth?—I think that I can state them.

3649. Are they so high as to keep the boats away, or are they low enough to tempt boats to avail themselves of the harbour?—They are decidedly not too high. I have told the people that they should never complain of them, and I firmly believe that all reasonable persons among them, will be rather inclined to increase than to diminish the tolls, if a corresponding improvement were made. People will always grumble against taxation, but they have no reason to complain of the tolls. The tolls, I think, now amount to about 600 *l.* a year.

3650. How are they disposed of?—I do not know; I can refer you to the Act, and I can show you a copy of the Act under which those tolls are levied.

3651. If the surplus of the tolls were laid out in carrying out these fishery harbours, it would be beneficial at the same time?—Yes.

3652. But still they are not improved?—No doubt.

3653. That would be a proper employment of the tolls?—No doubt; I find that in the Act of the 26th and 27th of Victoria, chapter 72, in section 5, there is the following power: "The tolls, rates, and charges, payable under the provisions of this Act, or the rent payable upon any lease thereof, shall be applied by the said Commissioners from time to time in repairing and maintaining the said harbour, as the said Commissioners may think right;" but it appears that in practice that is under the authority and with the direction of the Treasury, and I only know the fact that it has been recently stated and complained of very much, and that application was recently sought for and refused.

3654. I believe

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3654. I believe that we may say that the income from the surplus tolls is paid in to the Board of Works?—It is; but the Board of Works have no control whatsoever over a penny of it.

3655. But do not they get the surplus after paying the interest and paying the charges?—No, they keep it merely as trustees; they hold it as representatives of the public authorities.

3656. Might it not be laid out upon improvements necessary to the harbour?—They cannot do so without the assent of the Treasury.

3657. Sir *Graham Montgomery.*] Is it not the case that if the interest upon the 5,000 *l.* were paid there would be very little surplus for the harbour?—It would depend upon what the interest might be.

3658. Take it at 5 per cent.?—That would be 250 *l.* a year; it would leave a sum which would be very insufficient for the purpose.

3659. Lord *Dunkellin.*] It might be insufficient, but still it might be devoted to that object?—No doubt.

3660. On the southern and western coasts of Ireland, you say there are plenty of creeks and shelters?—Generally upon the southern and western coasts they are pretty well off in that respect; I think that those facilities which I have been speaking of, namely, the means of hauling up small boats, would be a great improvement.

3661. Why?—Because a small sum of money for purposes of shelter, as I have said before, is wholly thrown away in attempting anything like shelter in a very exposed situation.

3662. But if you put your piers or your work in some of these coves which would afford proper shelter, would not that be a greater boon for people in the neighbourhood than mere slips?—I do not know that I have ever seen a proper pier; almost all those small piers are dry at low water.

3663. Might not they be made so as to be available?—Not at a moderate expense; when you deal with deep water it becomes an enormous expense, and it has often struck me that the concentration of the cost of several of those small piers in the construction of one good harbour which could be entered at all times, would have been more wise and more judicious than the scattering of them in the way in which it has been done, the men could have run to that harbour for shelter.

3664. You probably have had an opportunity of seeing some of the evidence which has been given before this Committee?—Not much of it.

3665. Have you read Sir James Dombrain's evidence?—I have.

3666. Sir James Dombrain said that, as far as his judgment went, he did not think that piers were wanted for fishermen in any part of Ireland, and that fishermen wanted to run into little creeks and coves near their own homes; do you concur in that statement?—As far as regards shelter, they probably do; but as regards the improvements which I speak of, the concentration in the construction of one good harbour of shelter in the vicinity of many of those creeks would be better than scattering it over those piers.

3667. Do you agree with this view which is expressed by a gentleman on the coast: "Small piers near good fishing grounds, for safety and shelter of men and boats, are the greatest desiderata along this coast"?—I never saw any great advantage from small piers.

3668. He goes on to say, "Especially where fishermen are also farmers, and whose summer fishing is both productive and beneficial"?—Some of those small piers are very useful as landing places in summer; but when you talk of shelter in the winter season, which is the most important season for fishing, you cannot rely upon them at all.

3669. I understand you to say that along the western coast curraghs are generally used?—Yes, canvas boats.

3670. Surely, in the bay of Galway they are not used?—Not at all; they are used upon the coast of Clare very much.

3671. From Galway northwards, and off the coast of Mayo and Bofin, there are local boats, and boats of that class?—Yes.

3672. A slip which would do to pull up a curragh would not do for another description of boat?—There is no such thing as a slip necessary for pulling up a curragh; a curragh may be taken by two men upon their backs. I want slips for small classes of smacks and yawls, and even very small hookers and vessels under 10 tons; that might be done with great facility. There is a very important fishing spot, namely, Greystones, near Bray, which I have been looking at with reference to its improvement. The proprietor there and the neighbouring inhabitants are very willing to contribute. A pier has been built there, but it is of very little value for purposes of shelter, though a good deal of money has been expended upon it; and I do not think that it can ever be made available, and that good facility can be afforded for hauling up the boats.

3673. In your opinion a judicious outlay of money may be made on the eastern coast, and a judicious outlay of money may be made on the western coast, in piers and harbours, as a measure to stimulate the fisheries?—Yes.

3674. You are Inspecting Commissioner of Fisheries?—Yes.

3675. Attached to the Board of Works?—Yes; associated with the Board of Works.

3676. You formerly had a colleague?—Yes.

3677. Since you have discharged the duties yourself, do you think that the duties are of such a nature as to require an additional gentleman in your position?—I am quite sure that they would; I am getting very old.

3678. You are very active and able to do the business, but you think that, age or no age, there ought to be two inspectors?—Yes, and more.

3679. What are the duties?—I think that there ought to be a sufficient staff to have at least one in every province, and that that man's duty should be to go round most of the fishing coasts and amongst the proprietary, and to point out favourable positions for forming fishing establishments, and giving employment, and to see how the boats are, and to hold a constant inspection, with the power of being resident in the neighbourhood, and to communicate with the establishment at head quarters.

3680. He would have the general supervision of the fishing of each province?—Yes.

3681. As it stands now, is any such supervision

sion exercised?—No; it is impossible that it can be.

3682. The fishing stations are not visited?—No, except occasionally when any occasion requires a particular visit.

3683. That is when you are particularly sent for?—When we are particularly applied to.

3684. But as a rule the fishing population are not inspected?—No.

3685. And you think it desirable that there should be such an inspection?—Certainly.

3686. Have you read this Bill?—Not in its altered state.

3687. Do you think that it would be of advantage to provide in the Bill for such a staff as you have just mentioned?—I do.

3688. Do you think that it would be advisable to take such steps in the Bill as would procure the improvement of the harbours which you speak of on the western coast, and of the fishery on the eastern coast?—Yes.

Thursday, 27th June 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. Bonham-Carter.
Mr. Cooper.
Mr. George Clive.
General Dunne.
Sir John Gray.
Lord Claud John Hamilton.
Mr. Ion Hamilton.
Mr. Kavanagh.
Mr. Shaw Lefevre.
Mr. Maguire.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., in the Chair.

Mr. James Redmond Barry, called in; and further Examined.

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3689. Mr. *Maguire.*] I DESIRE to ask you, in the first instance, whether it is your deliberate opinion that the fisheries of Ireland may be made a source of national wealth?—No doubt; it is clearly my opinion that they have not been cultivated to the extent to which they may be; and that they may be made a very considerable source of national wealth and of employment.

3690. That is your deliberate opinion?—That ever has been my opinion.

3691. You think that the fisheries of Ireland may be made a source of great national wealth, as well as of general employment?—Yes.

3692. Of course that would be employment limited to the means suitable for fishing?—Employment extending very generally; giving various means of employments, even in the interior, and sources of occupation. In consequence of the facilities of transit, it would create in the inland towns a species of dealing which has never been understood before; that is to say, of dealing in fish, which scarcely ever used to reach the inland towns.

3693. Do you consider that it is a matter of the very greatest importance to give every legitimate encouragement to promote the Irish fisheries?—No doubt.

3694. That is your deliberate opinion?—Clearly.

3695. Over what period of time does your experience extend?—Over a pretty long time. My experience in connection with the fisheries runs to very nearly 50 years.

3696. From your long experience, as well as from your official position, you are entitled to speak with authority upon the question, are you not?—I should have some experience.

3697. Any man in your position, and with your experience, ought to be able to speak with authority?—Yes.

3698. Is it your opinion that the Irish fisheries have not been properly cultivated?—I do not think that they ever have been; nor do I think that any of the sources of occupation in Ireland have been properly cultivated.

3699. I now confine myself to the fisheries?—I should not say that less efforts were made to cultivate fisheries than to cultivate other sources of occupation in Ireland; several ineffectual modes have been from time to time tried.

3700. Do you consider that the present organization of the Department of the Board of Works, which has had the superintendence of the fisheries, is quite equal to the necessities of the cases?—Certainly not, without additional assistance.

3701. What reasonable connection is there between the ordinary duties of the Board of Works and the capture of fish, or the superintendence of fishermen?—I think that there is a most natural association, and that there is a most natural reason for closely connecting them. The construction of piers and shelter harbours was very wisely considered at all times one of the most effectual modes of improving the fisheries of Ireland, and that was a very natural undertaking to have committed to the management of the Board of Works.

3702. Do you think that the fisheries of Ireland are sufficiently important, as a future means of national wealth and employment, to be confided to a separate and independent department?—That is a subject to which I have given a great deal of consideration, and to which I can give a most disinterested answer, so far as I am myself concerned. I declare that I think that it would take a great many years to train any new department to the knowledge which is at present possessed by the Board of Works in the aggregate, including Commissioners and staff.

3703. As I understood your evidence on the last day when you were examined, you were of opinion that it would take a very long time before a new Board could understand its duties. Supposing

posing that those who are immediately connected with the Fishery Department of the Board of Works were constituted into a Board, and that they were assisted by an additional staff, do you mean to say that they would not in a short time be able to understand their duties?—There are no persons connected with the Board of Works who are exclusively confined to the Fishery Department, except myself.

3704. Is Mr. Brady confined to it?—He is not connected with the department at present. All the executive operations connected with the department are, generally speaking, fulfilled by those persons who have other heavy and onerous duties in connection with the Board of Works. I am the only individual whose especial duty it is to attend to the fisheries, and who is solely confined to them, and who has no other powers and no other calls. The secretary of the Board of Works is the secretary to the fisheries; the solicitor to the Board of Works is the solicitor to the fisheries, and every clerk in the department is occasionally made available for carrying out the views of the Commissioners, as Commissioners of Fisheries.

3705. As I understand you, you state that certain persons holding important offices, those offices being of an onerous character, still have the power of interfering in matters connected with the fisheries of Ireland?—Yes.

3706. Would not those onerous and important duties quite sufficiently occupy their time if they were entirely devoted to them?—I have never heard them complain of them; but I always have thought that there ought to be considerably increased aid for the purpose.

3707. If a man has onerous, and, in your opinion, important duties, would it not be well, according to ordinary common sense, that he should be confined to those onerous and important duties?—Of course the less he has to do the better he ought to do it.

3708. Do not you think that the other duties which you declare to be important and onerous, are sufficiently important and onerous to occupy the attention of these gentlemen exclusively?—I do not think that they would complain if there were individuals who were employed to perform certain duties which it is impossible that the present persons can perform.

3709. Would it be better for the object which you have in view, and which I suppose all other persons have in view, namely, the promotion of the Irish fisheries, that certain gentlemen should have their attention exclusively confined to it, rather than that the attention of other gentlemen having onerous and important duties should be occasionally directed to it?—I think that, perhaps, there ought to be additional persons appointed; but, as I have said before, I think that it would take a very long time to train any new department altogether; and further, I think that the expense of such an establishment would be very materially increased.

3710. Putting for a moment the question of expense out of consideration, do you think that the advantage of having a separate and independent Board, devoting its entire attention to the fisheries, would be a matter of national importance?—I really do not know what a separate and independent Board would have to do. I have already stated in plain terms that I think it would be of advantage to have the addition of, say, one Commissioner to the Board, whose especial duty should be devoted to the fisheries; and to have the addition of, say, four provincial inspectors, one of whom should live in each province of Ireland, and should go round and communicate with the high authorities; I think that that would be a great deal better than what I should call an independent Board.

3711. You say that it would take a long time before a new department could be sufficiently experienced. Have the officials of the Board of Works really any practical knowledge of the question which we are assembled here to investigate?—The species of knowledge which you expect them to have is not exactly within their province, but they have to do a vast deal which is indispensable to be done in order to carry out views for the improvement of the fisheries.

3712. If a Board of gentlemen who have been asked questions with reference to the fisheries of Ireland can give no possible information, do you mean to say that a new Board giving its attention to that subject cannot understand the questions relating to it quite as well as those gentlemen who know nothing at all about it?—It is possible.

3713. If the question of expense were out of the way, would you object to an independent Board giving its whole energies to the subject?—I can hardly tell you; I do not think that what you call an independent Board would be better than the arrangement which I propose.

3714. You have a long personal experience, I suppose, of the fishing population of Ireland?—The greater portion of my life has been devoted to the subject. I have lived upon the coast during my whole life, and during that time my intercourse has been almost exclusively with that class.

3715. Your intercourse has been very frequent with those people up to a recent period?—Yes, up to a very recent period.

3716. From your own personal experience, as well as from the information of others, I suppose you are competent to speak as to the general character and conduct of those people?—I am to a certain extent.

3717. Will you give me an idea of what is the general character of the fishing population of Ireland, meaning, by the fishing population, not only those who are exclusively devoted to that occupation, but those who are part farmers and part fishermen; what is their general character?—In my early intercourse with them I found them a primitive and extremely honest and well-conditioned and industrious and laborious people. I am very sorry to be obliged to confirm what I have stated before, namely, that I do not think that the standard of character has been much improved by recent events. I think that since the disastrous scenes of the famine, and the consequences of it, the people have not been as primitive and as honest as they used to be.

3718. Is it your opinion that they have been demoralized by misery and wretchedness?—Yes; that is a very natural agent in such an operation.

3719. When you say that they are not as honest or as primitive as they were before, would you apply that observation generally?—I would.

3720. Do you think that if engagements are entered into, such as are involved in borrowing money for fishing-boats and gear, and if that money is repaid, that would not be a good evi-

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dence of a high standard of morality amongst that class of persons?—That was the case formerly, and they were remarkable for their punctuality; and I should be very sorry to think that that time should not come again; but I do not think that they were well treated at the termination of that system; and I think that the abrupt and unfair termination of that system of improvement led in a great measure to disgust them, and led them to believe that their honest intentions and honest courses were not rewarded as they ought to have been.

3721. Have you read the evidence of Mr. Andrews?—I read some of it in the papers.

3722. Did you see his statement that large sums of money had been from time to time lent out by the association to which he was attached, and that in no single instance had there been a failure of repayment?—I am quite sure that Mr. Andrews stated nothing but what was quite correct, but I believe that he was not competent to form an opinion as to the effect of trusting the operatives themselves, because they were not trusted. Mr. Andrews' society lent no money unless they got unquestionable security, and they have been repaid.

3723. I think that you are of opinion that there should be some intermediate person through whom the loan should reach the fisherman?—Yes, I think that most desirable.

3724. Are there not many parts of the coast of Ireland where it is almost impossible to find that intermediate person?—No doubt.

3725. Are there not many parts of the coast of Ireland where there is a hardy and industrious class of people who would be very anxious to fish if they could, and to whom loans would be a benefit?—No doubt.

3726. Do you consider that it would be wise or politic not to give loans or assistance to these people, because there was no intermediate person whom you could render responsible?—I should say that it would be most desirable to aid them by the best possible means; but the question is how are you to do it?

3727. Is it not a fact that the famine in Ireland has made a complete social revolution?—I am sorry to say that it is.

3728. Is it not a fact known to you that in order to secure meal for their families, and to secure a few days' provisions, these men in 1846, 1847, and 1848, and at a later period over which the famine or its consequences extended, pledged their fishing-boats, as well as their gear, for a few days' provisions?—I believe that they did.

3729. Had they any possible means or resources by which they could redeem the pledge, or could renew either the boats or the gear?—Certainly not at that time.

3730. Is it not a fact that since 1859 there have been three or four very bad years, which have been very severely felt by the class of the population of whom I am now speaking, namely, partly farmers and partly fishermen?—That is quite true.

3731. Is it not the fact that on the coast, nearly all round Ireland, the crops upon which these people have depended have very frequently failed?—No doubt.

3732. Have you seen a statement that the value of the crops destroyed, during the years 1860, 1861 and 1862, amounted to 30 millions of money?—I have.

3733. Under those circumstances, considering the long consequences of the famine, and these repeated failures of these people, could they place themselves in a position to carry on their industry with success?—It was very hard for them to do so.

3734. In fact they have not been able to do it?—No.

3735. Do you think it important that they should be aided, in order to give them a chance of prosecuting their industry?—Most unquestionably.

3736. Do you think that there are people who, if they were fairly aided and confided in, would by their conduct show themselves worthy of that confidence?—I think that, if it were possible to establish that kind of intercourse between an intelligent person, trusted with the duty of aiding those people, and even the operatives, he would by judicious precautions be enabled to make arrangements by which he might transfer directly to the operatives those small loans; but I feel that it would involve an extravagant expenditure and outlay in the establishment of a number of officials. I think that it is not likely that so many persons would be employed if benevolent individuals would form small companies, and would themselves undertake the administration, and give security for the money; and I think that they ought to be aided in that undertaking.

3737. Supposing that it was seen that the money was spent in building a new boat, or in repairing an old boat, or in supplying gear, do you not think that that would prevent abuse?—No doubt; we had practical proof that it did so. Under the former loan-fund system of the old Fishery Board, it was the duty of the officer, through whom the aid was supplied, to see that before the money was paid every arrangement was made for its being employed in a useful manner for the benefit of the individual.

3738. Supposing for a moment that you consented to give a small loan to a poor man, and that it was expended in the purchase or improvement of a boat, or in the purchase of gear, and in that manner exclusively, do you not think that that would be almost every protection which you need require?—Yes, provided that you could be certain that the money was so invested.

3739. Could the services of the coast-guard officers be secured in any way towards seeing that the money advanced was expended for that purpose, and for that purpose alone?—I have met with a great many of them who would be very benevolent and very effective administrators of such funds.

3740. Are not coast-guard officers and coast-guard stations to be found in every part of Ireland?—Yes.

3741. Could not those gentlemen be made the means of administering a fund of the kind, they being paid for their services?—No doubt; they are a very useful body of persons generally.

3742. If they had a direct interest in that particular duty, that is to say, superintending fishing, and giving advice, and aiding in every way which they could, do not you think that it would be a very important organization to secure?—No doubt.

3743. Do you think that it would be in the power of the Commissioners either to suggest or to frame a system of the kind by which the services

vices of those gentlemen could be obtained for the purpose?—I think that if we were permitted to do so, we could do so if we had the sinews of war.

3744. These officers are men of intelligence and men of experience?—A great many of them are most intelligent and most excellent persons.

3745. They are brought into immediate contact with the people?—Yes.

3746. They understand them thoroughly well, and their circumstances?—Yes.

3747. Do not you think that a sum of money entrusted to the care of a coast-guard officer for the purpose of promoting fisheries in his locality might be very fairly and wisely expended?—No doubt. I think that if fairly remunerated for their services, the coast-guard officers might be made very efficient subordinates to that class of officers to whom I have alluded.

3748. Those are the provincial inspectors?—Yes.

3749. On the last day of your examination you stated that the failure of fishing was, in some instances, to be attributed to drunkenness and laziness; is drunkenness a failing which is common to the half-farming and half-fishing class?—Distinctly not. The class of persons in whom that misfortune is most to be found are really some of the most skilful and best hands constantly employed in fishing, as fishermen exclusively.

3750. As to laziness, do you think that the amphibious fishermen, that is to say, the half-farmers and half-fishermen, if they had the means of fishing, namely, boats and gear, would be lazy?—No, certainly not but very industrious.

3751. Are you of opinion that whatever failings or defects there may be, they would be greatly counteracted by encouragement?—I am.

3752. In plain words, you would not despair of the people, notwithstanding their vices, but you think that those vices are such as are not incurable?—So far as my observation goes, I find that that class of persons become honest by being trusted.

3753. Do you think that it would be a politic thing to encourage that class?—I do.

3754. Which would be more important, to encourage a class exclusively devoted to fishing, or to encourage a class who combined farming and fishing; which do you think would have the better chance of maintaining their position throughout the entire year?—I think that there ought to be encouragement to all as much as possible.

3755. Is not fishing rather a precarious pursuit?—It is a peculiarly precarious pursuit.

3756. Then would you think it better for the men to have some other occupation?—I think that it would be much better for that class of persons to have some other little occupation.

3757. Is not that a very large class fringing, as it were, the entire coast of Ireland?—Yes.

3758. And it is a very important class?—It is.

3759. And you consider that the possession of a little land is of importance as a means of compensating them for their loss of time when they cannot go fishing?—I think that it is. My observation has been that those who were so circumstanced were generally less subject to those dreadful fluctuations of distress to which men who were exclusively fishermen were subject.

3760. And those fluctuations of distress are owing to causes over which they can have no possible control?—They are.

3761. Such as severe weather, the capricious migration of fish, and other causes?—Yes; in the case of men who were engaged in farming and in fishing, if they lost their crops they had the resource of the sea, and in the event of bad weather they had their bit of land to resort to; and it gave them something like an independent feeling and a stake in society.

3762. And it gave them something to do in their leisure time when they were not at sea?—Yes.

3763. Speaking of that class, in what position are they at the present moment; are they in a position to fish with anything like success?—The disposition to fish has greatly diminished in consequence of the increase in the rate of wages, and in consequence of the demand which at present exists for agricultural purposes; that is one of the reasons why perhaps there is a very considerably diminished fishery establishment. The population has materially diminished.

3764. Are there not many parts of the coast where it would be almost impossible to get up a successful company, and yet where there are large populations of this very class?—I think that both cases would be found. I think that in many parts of the coast a fishing company would find it extremely difficult to work the thing successfully; and I also think that there are a great many other places where there are numberless partially unemployed operatives who would be very glad to be employed by a fishing company.

3765. Do you not think that it would be very important to assist that class?—No doubt.

3766. I think you said that the pioneers of all our fishing prosperity were the Cornish and the Manx men who visited the Irish coasts?—Yes. I referred especially to the eastern coast; to a particular fishery. Unfortunately we have not them generally; I wish that we had.

3767. You said, "all our fishing prosperity;" do you mean to state that the fisheries of Ireland are really in a state of prosperity?—Indeed I do not. I alluded exclusively to the eastern coast.

3768. Would you refer to portions of the eastern coast, or to the eastern coast generally?—Perhaps I may limit it to particular portions, because it is in particular portions of the coast that those fleets for the herring fishery and for the mackerel fishery are centralised, those being the only two descriptions of fishery which may be unquestionably considered as prosperous; and the trawl fishery upon the eastern coast also.

3769. Are there not many portions of the southern and western coasts where there are no fishing companies, and where there is no prosperity?—There are indeed.

3770. Is it not the fact, as appears from the reports of the coast-guard officers, that in those districts there is a decline and no improvement, and a want of capital, and that the want of capital seems to be the chief cause of decline and impoverishment?—That is almost the main cause to which it is to be attributed.

3771. Do you think that is one of the evils

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which a department ought, if possible, to counteract?—I think so, cautiously and prudently.

3772. Is it your opinion that there is sufficient protection generally on the coast of Ireland for the fishermen with large boats, or for the fishermen with small boats?—I think that a great deal may be done in the way of improvement. I think that the whole system of pier building was perhaps not what I should have judged the most judicious; however, it was done under circumstances over which the parties who consented to do it had scarcely any control. I think that it might have been done otherwise; but I think that the fatal Act of all with regard to those small structures which were erected upon the coast, was that Act which transferred them to the grand juries of Ireland.

3773. Speaking of the present time, do you think that there is sufficient protection for the large boats and the small boats throughout the country generally?—I think that it may be better.

3774. Is there not a necessity for more landing places where landing places are best, or for more piers where piers are best?—They would be extremely desirable in many places.

3775. Are there not localities in which piers and landing places are necessary?—No doubt, a great many places.

3776. If it was stated by Sir James Dombrain that there was no necessity for such piers and landing places, how can you possibly account for the difference between his statement and yours?—I can only say that I read that portion of Sir James Dombrain's evidence with much surprise, considering his great experience and great knowledge of the subject.

3777. What did you apprehend that Sir James Dombrain said upon the subject?—So far as my recollection of his evidence upon the subject goes, it was my impression that he did not seem to think that any further improvement was necessary in piers. I read his evidence in the newspapers in a very vague kind of way.

3778. If Sir James Dombrain did say that there was no necessity for additional piers, or for the improvement of piers, does his opinion tally with your own opinion?—I do not think anything of the kind.

3779. Are you of opinion from your experience that there is no necessity for the addition of a pier, or other similar accommodation on the coast of Ireland?—So far from it, I believe that the most effectual mode directly of improving the fisheries of Scotland would be by the improvement of several harbours and facilities of that kind, and by the construction of others.

3780. For the larger class of boats the improvement of harbours or piers is absolutely necessary?—I think so.

3781. Is it the fact that boats of a large tonnage have to run for a considerable distance for shelter in storms?—Certainly.

3782. Therefore, in order to give encouragement to prosecute the fisheries more vigorously, you are not of the opinion of Sir James Dombrain with regard to piers and harbours?—I am not.

3783. Have you ever heard anything about Ballycotton Harbour?—I know a great deal about it.

3784. Does it afford shelter to fishing boats?—It does occasionally, in moderate weather, but it cannot be considered as affording shelter during stormy weather, and consequently, during anything like stormy weather, they are obliged to run away from it.

3785. Was it originally intended as a refuge in case of storm?—That, no doubt, was one of the main objects; it is at present useful for many purposes. I saw it very recently, and when I saw it, there was a vessel of nearly 200 tons, or at all events of 150 tons, discharging coals near it.

3786. There was no gale of wind blowing then?—No, it was a very fine day.

3787. But it is no protection to fishing boats in case of storm?—Very little; it was never completed.

3788. Do you wish to make any statement respecting it?—Simply that understanding that many questions were asked about it, I, with the consent of the department with which I am connected, visited it, and examined it very closely, and I made some notes and observations upon the subject, which I am willing to lay before the Committee.

3789. *Chairman.*] Will you state the general facts?—So recently as 1865 the Board of Works Department instructed the several county surveyors upon the coast to furnish them with information as to the state of the different piers upon the coast; and with reference to Ballycotton, it is stated "16 feet of the northern end much injured. Part of foundation given way; stones falling out and remainder of wall cracked to the coping; a heap of rubbish impedes the passage of boats. On east side a settlement, and wall bulged out and cracked to top of parapet. This settlement is of six or seven years' standing: 23 feet of coping and 10 square yards of paving require repair. Mooring rings and pointing also required. A safe harbour would be of immense advantage, but large additional works necessary for the purpose." I should mention that one of the reasons why I consider the continuous interference of the Board of Works most necessary, and most closely connected with the improvement of the fisheries, is in reference to what ought to be still their supervision of those piers.

3790. Mr. *Maguire.*] It would be very important if Ballycotton was made a good harbour?—Most important.

3791. Sir James Dombrain was asked, at Question 1145, "Do you think that there are many classes of piers, and of what size, wanting on the western coast, in order to give assistance to the fishermen?" His answer was, "As far as my judgment goes there are not any wanting, because those which now exist are of no use. There is one at Blacksod Point, in the county of Mayo, and it is a remarkably fine pier; but I do not think that any fish has yet been landed on it; that pier is very well placed." He was afterwards asked, "Do you mean to say that no fishing piers are wanted in Ireland?" and his reply was, "I think not." Do you think it of great importance that Ballycotton should be made a proper harbour?—Indeed I do.

3792. You know that a great many wrecks have occurred?—A great many.

3793. Have you a risk of the casualties attributable to the want of proper protection there?—I have.

3794. Are you prepared to hand it in?—I am.

(*The*

The Witness delivered in the same, vide *Appendix.*)

3795. Did you hold an investigation towards the end of last month at Bear Haven?—Yes, all of which is detailed in the printed document which has been laid before the Committee.

3796. Will you hand it in as part of your evidence?—(*The Witness delivered in the document,* vide *Appendix.*)

3797. You are of opinion that there should be an additional Commissioner?—Yes.

3798. You are also of opinion that there should be four provincial inspectors?—Yes.

3799. And you are of opinion that the services of the coast-guard officers could be obtained under certain conditions, and would be most useful for promoting the general objects, namely, the improvement of the fisheries?—I think that they may be made most efficient under such circumstances, they getting fair and moderate remuneration for their increased duties.

3800. Do you think that they would be satisfied to undertake those duties if they received a moderate remuneration?—I am sure that they would.

3801. General *Dunne.*] I understand you to say that you do not think that the fact of a member of the Board of Works being a Fishery Commissioner would be any disadvantage?—I think that it would be quite the contrary.

3802. If piers were to be built, there would be a great deal of communication with the Board of Works?—Yes.

3803. Do you think that the opportunity of communicating with the officials of the Board of Works would be an advantage?—Yes.

3804. You think that there should be a separate Board for Ireland from that connected with England; in fact, an Irish establishment?—Yes.

3805. Do you think that the same Board should be placed over the deep sea as well as over the fresh water fisheries?—I do not think them so closely connected, nor do I think them so much of the same nature as to make it desirable that they should be under the same supervision.

3806. Would you have an officer for each department?—I would leave the other department as it is.

3807. But it would be under the direction of a Commissioner who was a member of the Board of Works?—Not as regards the inland fisheries.

3808. You would have that department perfectly separate?—Yes, as it is.

3809. The present Commission ends in a very short time, does it not?—Yes, but they have been going on so exceedingly well that I think that they ought to be revived.

3810. And therefore you would revive it?—I would. It is much easier to pull down than to reconstruct judiciously.

3811. I understand you to say that you would rather continue that Board in its present form?—Certainly.

3812. You have stated that the transfer of the piers to the counties was a very fatal measure?—I think so.

3813. Do you think the reason of that to be the carelessness of the entire county as to the local interests of the fishing piers, and the unwillingness to pay rates?—I have upon several occasions interfered with grand juries, and represented to them the defective state of piers; and I have perhaps found that an individual residing in the immediate vicinity, or whose property was in the immediate vicinity, took an interest in the matter, but that those having property in the interior said, "We have nothing to do with it, and do not see why the county should be at the expense."

3814. Is not that natural?—Yes, but it is contrary to law; because, by the Act of Parliament which transferred those piers to them, they are bound to keep them in repair; and there is a condition given that if they should refuse it, then the duties of the Board of Works are called into action, and they are required, in the event of the grand jury not doing it, to get the work done, and at the following assizes to have an imperative presentment.

3815. Previously it was done from national sources?—Yes; but generally from voluntary local contributions.

3816. Those contributions were made by persons interested in the locality?—Yes.

3817. Taking the county of Cork; do you think that people in Mallow are very much interested in the repair of Ballycotton Harbour?—Distinctly not; they are not interested at all.

3818. Therefore, do you not think that the support of those piers, if found advisable, should be taken either by the locality, or by the national Government?—The persons in the interior do not think themselves interested, and they are, therefore, rather averse to the expenditure of their money in that respect.

3819. Therefore it was impolitic to make it so?—Yes; I think that it would have been more wise to leave it to the former system, that former system having been a contribution from the parties interested, and perhaps some reasonable contribution from the State generally.

3820. Ballycotton Pier is in a very bad condition?—Yes.

3821. You think that the local authorities must be put under some supervision, and that great local knowledge and care is required?—No doubt.

3822. You do not think that the nation should grant loans without looking to the security?—Clearly not.

3823. And it cannot be done without the aid of persons acquainted with the local circumstances?—Certainly not.

3824. The success of the society which has made loans depends entirely upon local knowledge?—Certainly.

3825. Do you think that the coast-guard officers have a great deal of duty now?—Not so much as they used to have.

3826. They have no duty with regard to smuggling?—None at all; I do not think that such a duty as is now required would at all injuriously interfere with their duties; on the contrary, I think that it would aid them in their other duties.

3827. Are you not aware that many officers in the navy would be very willing to undertake that duty?—I am sure that they would.

3828. Do you think that on the eastern coast of Ireland the population would furnish a sufficient number of men for fishing without the aid of English boats?—The seas are wide enough for all; there may, no doubt, be a great many more boats; but I have always looked upon the English boats as a most important adjunct to the fleet.

3829. Therefore, without advocating any system

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tem of assistance to the fishermen on the eastern coast, it is not, as I understand you, purely an Irish question?—It is certainly not a purely Irish question; it is an Imperial question; in aiding that part of the coast, you aid England, Scotland, the Isle of Man, and Ireland.

3830. At this moment is not the result of the fisheries on the eastern coast much more satisfactory than upon the western coast?—Decidedly; there is nothing like an organised system scarcely anywhere excepting upon the eastern and the southern coasts.

3831. From the nature of the climate and otherwise on the western coast, can we expect that that coast will ever grow up into a fishery?—It is in some respects very favourably circumstanced for it; it has fine fishing grounds; but it does not present those constant advantages which there have been elsewhere. For some years the influx of the herring and the mackerel has been a matter of certainty.

3832. Do you anticipate that that will continue?—I only hope that it may.

3833. No one can go beyond hope?—No.

3834. The bays and indentations on the western coast are much greater than on the eastern coast, are they not?—It is a remarkable fact that there is a great similarity between the changes with reference to the herring fishery in Scotland and in Ireland. In Scotland the lochs and bays were the favourite resort of the herrings in former times. All of a sudden they appear to have deserted them, and they came to the eastern coast; and Wick and the whole eastern coast is now the great resort of the herring fleet. The same was once the case in Ireland. In our deep bays and deep indentations the herrings used to come periodically in great quantities; for the last 20 years we have had nothing like these large visitations of herrings which we used to have; and yet during that time we have had a very fair herring fishery upon the eastern coast, between the Isle of Man and Ireland.

3835 Where would you place the kind of Wick for Ireland?—I should say that no doubt the most important point is Howth, if suitable to the reception of as large a number of vessels as Wick has at a time.

3836. Is it so at present?—It is nothing like it.

3837. But you have stated that it may be made so?—I think that it may with great facility.

3838. Do you consider that any other piers are wanted along that coast?—I should think that Arklow is a place very much requiring encouragement of that sort. I have witnessed sad scenes at Arklow owing to the want of greater facilities as regards shelter.

3839. Will you state what you mean by "sad scenes?"—I have seen great difficulties of approach. I think that the fishery of Arklow may be considered one of the strongest illustrations of the existing perseverance and industry of the fishermen.

3840. Will you state why?—The harbour is very unapproachable in consequence of the vast quantities of sand; it sometimes becomes silted up altogether, and I have seen boats outside the bar waiting and almost leaping over the bar as the tide rose, and getting in by that means in consequence of the want of approach to the little inner harbour. It has been very much improved lately by the mining company exclusively for their own interest.

3841. And that no doubt improves the fishery?—Certainly it materially improves it; Arklow has become a most important fishing station.

3842. The markets on the eastern coast have a great advantage over those on the western?—Yes, from the transit by railway. The moment that the fish is taken, it may be sent to almost any quarter of the world.

3843. Would you levy tolls in all those places where there are piers?—I think that it would be a most legitimate thing to do.

3844. Would not the tolls generally be sufficient to repay the outlay?—If we were to judge by Howth, they would no doubt be a very prolific source of return, independently of any general benefit. The tolls of Howth have increased from something under 200 *l.* to 600 *l.* within four years.

3845. And the tolls would be very legitimately applied to the repairs of the different harbours and piers?—No doubt.

3846. The 600 *l.* at Howth includes tolls and rents?—Yes.

3847. Mr. *Shaw Lefevre.*] You have stated that Mr. Andrew's society do not lend money directly to the fishermen?—I am not aware that they do; they may have done so in some instances, but I believe that the largest sums have been to intermediate persons of the public.

3848. On good security?—Yes.

3849. Would you yourself recommend that money should be directly lent by the State to fishermen?—The question was so put to me, that I could not deny the advantages which it would produce if it could be done prudently and cautiously through an existing department, as was judiciously selected by the Honourable Member who asked me the question; namely, the coast guard.

3850. By the words "prudently and cautiously," do you mean by obtaining security for them or not?—Obtaining the best security which can be obtained, and perhaps the best security which could be had, would be the security of character.

3851. But no other security?—One person becomes responsible for another; that used to be the former system.

3852. Mr. *Cooper.*] You have already stated that you are against direct loans to fishermen?—Yes.

3853. Mr. *Shaw Lefevre.*] You would be against advancing money by way of loan directly to the fishermen?—I was asked whether I thought it possible to grant money in this way directly to the fishermen, with the aid of the coast guard, and with the supervision of such an establishment as it might be thought desirable to have, and I considered that it would be a benefit to them, but it no doubt would be attended with great risk to the State.

3854. In your opinion should such loans be without interest?—I can only judge from what was done formerly; they never hesitated about the payment of interest; an interest of 5 per cent. was always charged.

3855. The class of fishermen whom you think it most desirable to encourage, are those who are half fishermen and half farmers?—They are not those whom I should think it most desirale to encourage. There are various classes, and I do not

not see any reason why all men should not be encouraged.

3856. You stated that one of the reasons for the diminution of the fishing was the demand for agricultural labourers?—Yes.

3857. Would not such an encouragement of fishing tend to check the supply of agricultural labourers?—No doubt of it; it might increase the amount of wages.

3858. Are you of opinion that it is desirable to promote the fisheries, as contra-distinguished from agricultural labour?—Probably the class of persons who would be employed in fishing would not be mere labourers, they would be persons having very small portions of ground, and who would occasionally resort to fishing when there appeared upon the coast a periodical influx of fish.

3859. Is it not that class of fishermen who are now driven to agricultural employment by the scarcity of labour?—Yes; in some degree by the want of the means of fishing themselves, and the increased rate of wages.

3860. You have said that the Cornish and Manx fishermen have been very useful to the Irish fishery in acting as pioneers?—They have been very useful by the example which they have given. Fishermen generally are very improvident; but there is an exception in the Cornish men; they are not improvident; they show that they better their condition, and that they have success; and their example has, no doubt, operated very favourably.

3861. They have acted as pioneers, in pointing out the particular fishing grounds, and the modes of fishing?—Yes; and in the engines which they use.

3862. The three principal fisheries on the coast of Ireland, namely, the mackerel fishing, the herring fishing, and the trawling, are mainly due to the Cornish and Manx boats?—I think so. Trawling was originally introduced into that country from Devonshire.

3863. Would you extend the system of loans to the Cornish and Manx boats?—They do not want it.

3864. If you gave assistance to the fishermen of Ireland, would it not be a protection to them against the Cornish and Manx boats?—I think that the world is wide enough for them all. The Cornish and Manx men have means to fish, from their own wealthy country, but the others have not means.

3865. Why is it that the Cornish and Manx boats have not extended their operations to the western coast?—Because they confine themselves to the herring and mackerel fishing.

3866. And to the trawling also?—Those who are trawlers have generally become residents of the country, the others are mere periodical visitors. Most of the trawlers originally established in Dublin were Englishmen, and they have settled in the country.

3867. For the same reason, if parties have introduced trawling upon the eastern coast of Ireland, and have become settlers there, why have not they done the same thing on the western coast?—Because it is not so favourably circumstanced.

3868. Then you do not think that there is the same opportunity of fishing on the western coast as on the eastern coast?—Not for the same kind of fishing. I think that I have stated that the arrival of shoals of herrings, and of sprats, and of other descriptions of fish upon the western coast, and even upon portions of the southern coast, is very uncertain; they are extremely capricious. On the contrary, for several years back the periodical arrival of herrings and of mackerel has been pretty certain on the eastern coast and part of the southern coast.

3869. Then you do not expect any regular trade of fishing on the western coast in the same way as now exists on the eastern coast?—I cannot tell; it may be the case. I can say that there are fine banks off Bofin, and off several portions of the western coast, which have never been properly cultivated.

3870. Mr. *George Clive.*] Did you ever hear of a company which was formed some years ago on the western coast, with a number of ships and owners connected wih it?—I did; and it was a very disastrous company.

3871. Do you know why it failed?—It was a most injudicious conception altogether; it was wildly done; they spent money to a very great extent, and did it most unwisely I think.

3872. Do you know what the object of that company was?— It was one of the joint-stock establishments.

3873. Their object, I believe, was not to catch mackerels or herrings?—Their object was to take everything which they could get.

3874. Did they begin their fishery at all?—They did.

3875. What was the result?—It was most ruinous.

3876. What was the result in the take of fish?—I believe that it was very little.

3877. Do you know whether they had good means and appliances?—I am told that they got a large capital together.

3878. I mean so far as regards nets and men?—Yes, they had an abundance of everything of that sort. I have seen the store in Galway full of materials of every sort of a most valuable nature.

3879. Were those materials brought into use?—Some of them were, and some were afterwards sold, upon the winding up of the company.

3880. The result in fish was small?—I believe that the result in fish was very small indeed compared with the extravagant expenditure. It was altogether a most ill-conceived project; it did a great deal of mischief.

3881. General *Dunne.*] Reference has been made to farming and fishing being united; did you ever hear of fishermen being farmers; is it not the case that they have small patches of land, and no more?—Just so; they, perhaps, have small patches of three or four acres of ground; just as much as will supply themselves and their families. It could not be called a union of fishing and farming, because they merely have the means of supplying themselves.

3882. Sir *Henry Winston Barron.*] They have one acre, or less perhaps?—Yes.

3883. General *Dunne.*] Is it not quite a misconception to suppose that farming and fishing are ever combined?—Nothing, that ought to be called farming, is combined with fishing.

3884. Mr. *Kavanagh.*] You have mentioned that there is a decrease of fish on the coast; do you really believe that the actual supply of fish on the coast has decreased?—I have been hearing much of the diminished quantity lately wherever I have gone. All the returns from the coast-guard

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coast-guard officers, and all the information which I have derived from my personal communication with parties, would leave me to suppose that there is a very considerable diminution in the take. There is no doubt a considerable diminution in the takers; that, no doubt, must operate, but there is also a great diminution, as is alleged in the take, by the limited number of takers.

3885. Then, from circumstances which have come under your notice, and from the best opinion which you can form, is it your own private opinion that the supply of fish has decreased?—Everything that I have had an opportunity of seeing and hearing, would lead me to believe that it has. We have had a succession of very bad seasons. I believe that the productiveness of the fisheries is mainly dependent upon the state of the weather, and everybody knows that for a number of years back we have had a succession of very bad seasons, and I attribute the decrease in a great measure to that cause.

3886. You do not think that the fish are dying out; I mean gradually decreasing?—We have altogether lost one class of that description of fish which was very valuable, and very much prized, namely, the haddock; and even the hake are not taken in the abundance in which they used to be taken.

3887. It has been given in evidence that the fish have gone out to deep water; do you think that it is so?—I do not know; perhaps it is so.

3888. By the returns which we have in the Reports, it would appear that, leaving out herring and mackerel, the decrease of fish carried by the railroads in 1866, compared with 1865, was upwards of 1,500 tons?—Yes.

3889. Counting salmon and herrings, there was an increase?—Yes.

3890. With respect to loans, do you think that there are respectable persons who would become security for the fishermen?—I think that it is more likely that parties influenced, partly by their own interest and by a desire of profit, would commence fishing, and would undertake the operation if they had the means to do it; and that in doing so they would necessarily give employment to the operative fishermen. For instance, if in a particular locality, say Bofin Island, or some place on the western coast, a few individuals formed themselves into a company to fish, and had not ample means of their own, I think that if they could give security they should be supplied with the means; and if loans could be given under a judicious supervision, so as to see that those loans were invested in some operation for the improvement of the fisheries, the money could not be employed without employing the people, and by that means a benefit would be conferred upon them.

3891. You think that, supposing this Act passed, such people would be found?—I think that there is a growing spirit of industry in the country, and so many people find it difficult to make the pot boil, that I think they would be very apt to turn their thoughts to fishing if their small means were aided.

3892. You know the habit of branding barrels of herrings in Scotland?—Yes, I know a little of it.

3893. Do you think that that might be advantageously extended to Ireland?—The only part of Ireland where it has been required, and where complaints have been made that there is not such a practice, is Howth, where there is a considerable concentration and sometimes a very large curing of herrings. One most respectable company has been formed in Howth, namely, the Deep-sea Fishing Company, who have built largely; they have built stores and curing-houses and vessels, and they seem to have an abundance of material; and they complain that they have lost a great deal in consequence of the herrings which in the latter part of the season they have cured not carrying the same price in foreign markets which they would do if they had an official brand proving their quality.

3894. On that account, you think that it would be right to extend that system to Ireland?—I think that it would. I think that it may be done very inexpensively, and the important consideration is, that the parties deriving a benefit from it are willing to pay for it as they do in Scotland.

3895. Do you think that there are many fishing banks off the western and north-western coasts, and, we will say, the whole western side of Ireland, which are not known?—I think that they are pretty well known; in the charts which we have got they are pretty well marked.

3896. Do you think that a Government survey would be advantageous?—With the view of ascertaining the productiveness in a fishing point of view, I think that it would be very valuable.

3897. Mr. *Cooper.*] With respect to the relations between the boat-owners and the men, do you consider that in the fishing trade the relations between the boatowners and the men are satisfactory?—The crews have been recently very much complained of, most particularly since it became usual for the east-coast dealers or owners to send down their vessels to the southern coast to fish the mackerel.

3898. Have any difficulties arisen at Howth, or on the east coast?—I understand that there they also complain that the owners have not the crews sufficiently under control upon the present system of remuneration, namely, by giving shares.

3899. Do you think that it suits the nature of the Irish fisherman to give him a share in a boat?—Distinctly; it is the only prudent course.

3900. Would you give him also small wages?—I would make his earnings mainly, at all events, to be a share in the profits, and I have only seen success where that has been attended to; I would give those persons assistance in the first instance.

3901. That has been very much the system of the Cornish and the Isle of Man boats?—I think so.

3902. Do you think that the Executive ought to interfere as regards agreements between the owners and the crews of boats?—As I have stated, as the law stands at present, a complaint made by an owner of a boat against one of his crew or the body of his crew, who derive their remuneration from shares, is very often defeated in the small courts in consequence of its being construed that they are partners in the same trade.

3903. Therefore the magistrates have no jurisdiction in those cases?—So they believe.

3904. What is your opinion on that point?—I have

I have no idea; it is a legal question; I suppose that they were well advised, but I believe it to be quite necessary to have a power to remedy it.

3905. Would you remedy that defect, as the Bill suggests, by a voluntary agreement, and a fine for any breach of the engagement. Have you seen the arrangements proposed by the bill?—Yes.

3906. Do you think that it would be desirable?—It would be a mode of doing it; but I think that a more simple mode would be to declare that an individual who receives his remuneration by having a share is also liable as a servant.

3907. You have a solicitor attached to the Board of Works?—Yes.

3908. Would not that be a question to put to him in order to obtain the opinion of counsel?—Yes; but it has never been asked.

3909. Could not a master demand a case to go before the law advisers of the Crown?—No doubt; but I believe in petty sessions (which is quite their practice) they have consulted the law advisers; and that it has been under the advice of the law adviser that they have not granted convictions against such persons.

3910. Then you think that the law is defective?—Yes.

3911. And you think that there might be a more simple way than is stated in clauses 10 and 11 of this Bill?—Yes; by stating that a man receiving his remuneration by a share of the profits, was still to be considered amenable as a servant doing mischief to his employer.

3912. You are, I think, acquainted with the Deep-sea Fishery Company, at Howth?—Yes.

3913. Is it a trawling or a herring company? It is a herring company.

3914. Have they had difficulties with their crews?—Yes; the manager of the company states that they have; and I have a letter in which he especially refers to the point.

3915. Have you heard that they are going to build houses at Howth?—Yes.

3916. And that they are about to get English sailors and English captains?—I understand that in Ireland they have found exceeding difficulty in getting well-qualified men; and that they intend to adopt that course. The more mixture there is I think the better.

3917. From your knowledge of the fleet of vessels which assemble at Howth, do you consider on the whole that the men are frugal and industrious?—Yes; excepting the little improvident habits to which I believe all fishermen are prone, they sometimes indulge in habits exceeding the laws of temperance.

3918. There is a good deal of difference between the Irish and the English crews?—Yes; the English are never to be complained of, but the Scotch are. I think that they are just as drunken as the Irish.

3919. How many fishing boats have you seen assembled at Howth?—I think that I have seen over 500.

3920. Are there any other people assembled at the same time to assist in the fishery?—A great many; it is a most lively scene, and a most gratifying scene.

3921. What are the facilities for administering justice under those circumstances?—Up to the present time they have been very deficient in-

deed; in any case where it was necessary to have recourse to the ordinary tribunals, they had to go some miles.

3922. The recourse was to magistrates in petty sessions?—Yes; lately, through the intervention of the noble proprietor of Howth, and of some magistrates, a petty sessions has been established there, and I understand that the Government have sent a magistrate there temporarily.

3923. That is where the fleet assemble?—Yes.

3924. Do you think that it would be desirable to have a permanent magistrate there?—The harbour master and the inspecting officer have told me that it is desirable, but I think that it would be sufficient to have the ordinary tribunal of a petty sessions, which would sit constantly in the same way as a resident magistrate, and which would exercise supervision, and would take precautionary measures, and see to the public-houses, and see that those public-houses were licensed, and were kept under proper control so as to avoid drunkenness; I think that that would be desirable.

3925. I suppose that Howth is under the county constabulary?—Yes.

3926. Do you advocate any kind of maritime police?—I do not understand what that means.

3927. Would you use the coast guard as police?—We have them at present.

3928. They never interfere with the fishermen, do they?—They do when necessary.

3929. What tribunal would you recommend for settling disputes between the owners of fishing boats and their crews?—I think that the ordinary tribunals of the country are sufficient, namely, the benches of petty sessions.

3930. Do any disputes or difficulties occur out at sea when the vessels are fishing?—I very rarely hear of anything of the kind.

3931. The difficulty, I believe, is to get crews out on Monday morning?—Yes; that has been considered to be the difficulty.

3932. And is so still?—Yes.

3933. You have known Galway for many years?—I have.

3934. Are the habits of the Claddagh men improved; are they more industrious than they were many years ago?—They are a very miserable set; I understand that latterly they have become more amenable, and that their hostility to trawling has been very much diminished. There is a new company formed there which has treated them kindly.

3935. Have you heard of any disputes lately?—None. The manager of that company has been with me lately, and he has told me that they have got on very well lately, and that some of the crews whom they have employed in their vessels are Claddagh men.

3936. Do you know the north-west coast at Sligo?—I do.

3937. You knew it in the days of bounties?—Yes.

3938. Was that coast then fished from Skerries?—Bofin used especially to be fished from Skerries.

3939. And even as far down as Sligo?—I believe so.

3940. What was the system of bounties?—The bounties were given in various shapes; there was a bounty of 2 *l.* per ton upon vessels which went

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for three months in the fisheries, and brought in their cargoes cured at sea. The most important and the most valuable bounty to the generality of fishermen was what was called the production bounty; it was 4 *s.* a cwt. upon all the fish cured, and 2 *s.* or 3 *s.* a cwt. upon the herrings cured.

3941. We have had it in evidence that since the bounty system has been abandoned, the Skerries boats now find it more profitable to fish on the eastern coast?—The Skerries men have very much ceased to be fishermen, they have found the trade of carrying more profitable to them, and until very recently, when a large influx of herrings upon the eastern coast has been observed, they have not fished at all; they have been more profitably employed in carrying the fish taken from Howth to Liverpool and other places.

3942. Do you know anything of the Scotch fishery system; have the magistrates there any more strict system than in other places?—I do not know, but I know that the men there are not altogether immaculate, and that they are sometimes remarkable for disturbing some of our poor fishermen who go there. I know that I have had to interfere upon the coast of Scotland in favour of our men from Arklow, who went there, and had their nets most cruelly cut. The authorities always agreed with me, and the thing has been amicably settled.

3943. How would you recommend the fishing to be carried on upon the western coast by those persons who are half farmers and half fishermen?—It is difficult to tell; if they are good farmers, I think that they had better continue so; and that if there are any scarce times in farming, they may be well employed in fishing.

3944. On the last day of your examination you were asked some questions as to oyster fishing, and whether some landlords were not anxious to avail themselves of the privilege of laying oysters?—We have not had very numerous applications.

3945. Is it not the case that until last year there was no protection for planting oyster beds?—Yes; there was by license; but licenses were not asked for.

3946. But is it not the fact that those licenses could not be enforced?—Yes, they could.

3947. Are you aware of any disturbances in Sligo from the public claiming the right of fishing beds, which were fished as private beds?—Yes; those were cases where it was alleged that the ground was not a several fishery. There are cases where there are several fisheries, and in those cases we have never interfered in granting licenses. In the case of Mr. Wynne and Sir Robert Gore Booth, there were encroachments made upon beds, and upon those which had been for a long time known to be several beds. We had no control over those, nor could we strengthen the power of those gentlemen; it would have been a breach of the law to have interfered with them.

3948. Is it not rather soon to ascertain whether the planting of oysters is a profitable investment?—No doubt there is a considerable risk in it.

3949. It has been hardly fairly tried yet?—That is so.

3950. Are you aware that the French Government have taken great pains to collect information with regard to the subject of fish?—I am.

3951. Are you aware of the regulations which they have issued in consequence, restricting fishing within three miles from the coast?—Do you now allude to what is called the French Convention?

3952. No, I refer to the decree which appeared in your last report; do you think that such regulations are advisable as regards the coast fishing?—They may be so.

3953. Mr. *Ion Hamilton.*] I believe that you are of opinion that the herring fishery is a most important branch of industry?—Yes.

3954. Do you attribute any short-coming to the want of a proper harbour for the fleet?—I think that the boats would be greatly increased if there were proper accommodation.

3955. Could private accommodation, suitable for a harbour for the herring fishery on the eastern coast, be so given as to be directly or indirectly remunerative?—No doubt, if it could be had.

3956. At the same time you think that no suitable harbour could be built for the fleet, except one built by the Government, or one improved by the Government?—I think that it is so heavy an undertaking that few private individuals would be found to enter upon it. I think that sums of money advanced by private individuals should be liberally supplemented by the Government.

3957. Do you consider that large sums of money would be as advantageously laid out upon the western coast as they would be upon the eastern coast?—I think that there would be more risk on the western coast than on the eastern coast; they are more open to the sea; whereas, the other is a limited space.

3958. I suppose that we may assume that the circumstance of the English coming to fish in Ireland is very beneficial?—Their arrival is confined to the great fishing places; but whenever they have come they have done a great deal of good.

3959. There is a certain amount of custom from their coming?—There is a certain amount of demand; it revives the whole business of the town.

3960. I believe that at Howth there was an English church built for the accommodation of the Cornish fisherman?—There was.

3961. As an article of food I suppose the herring fishery supplies the lower class of the population of Ireland with a cheap and wholesome article of food?—Yes, it is a great relief amongst the poorer classes particularly.

3962. There is a great consumption of it among the poorer classes?—Yes.

3963. Have you any idea what the importation of red herrings has been?—I should think very little lately, because the system of curing red herrings has become a very perfect one at Howth; and there are some of the finest ones there which I have ever seen.

3964. Can you state what is the usual proportion of English ships on the eastern coast to Irish ships?—I should say that in round numbers the English, and Scotch, and Manx ships, perhaps, constitute two-thirds at the least.

3965. Sir *Henry Winston Barron.*] You have stated that your plan with regard to a Board, or

or with regard to the management of the fisheries, would be to appoint four inspectors, one resident in each province?—Yes.

3966. And an additional Commissioner?—Yes; an additional Commissioner of the Board of Works.

3967. That would be pretty nearly tantamount to a new Board of Fisheries, because, practically, those parties would have the management of the fisheries in their own hands?—I think that it is extremely desirable that there should be a controlling power.

3968. Under the circumstances, and under the management which you propose, provided that there were intelligent and impartial men appointed to those situations, do you think that it would be more prudent to leave the details, many of which are contained in this Bill, to that newly constituted Board, or to place them dogmatically in an Act of Parliament?—I am quite sure that it would be a great deal better to let regulations be made suitable to the several localities. I am quite sure that a uniform system of regulations may be very mischievous in some places, while they would be useful in other places. From the very nature and position of our coast, and from the circumstances of the fisheries altogether, I do not think that uniform regulations could by Act of Parliament be framed to suit the whole coast.

3969. That is the result of your experience for a great many years?—It is.

3970. How many years?—Nearly half a century.

3971. You are one of the most experienced gentlemen, I believe, connected with the fisheries in Ireland?—I am, I believe, the oldest.

3972. With regard to Howth Harbour; a great deal has been said about it here, and I think that you yourself suggested that very great improvements are necessary in that harbour?—Very great.

3973. Have the Board of Works indorsed the necessity of those improvements in that important harbour upon the Government of the country?—I am very sure that whenever the Board of Works have been convinced that any improvement has been necessary, they have not failed to submit it to the consideration of those under whom it may be said that they act; namely, the Treasury.

3974. That does not precisely answer my question?—I cannot answer it more closely than that, because I am not a member of the Board of Works; but I am quite sure that whenever they see that any improvement is necessary, they are very anxious to be placed in a position to enable them to execute it.

3975. And you have no doubt that they are convinced that great improvements are necessary in that harbour?—I am quite sure that they are.

3976. Then it follows from your answer, that if the Board of Works have endorsed the necessity of those improvements, of which necessity you say that they are convinced, the Government must have refused to improve that harbour?—They have not refused altogether to improve the harbour, but they have permitted that a portion of a fund which was at the disposal of the Commissioners of Public Works for the improvement of harbours generally, exceeding what has usually been given for any one work should be applied without the condition of any local contributions, to the improvement of Howth Harbour; I believe that that sum is now in progress of being expended, and I presume, judiciously expended, under the control of an intelligent officer of the Board; but I believe that it is quite insufficient for the great purposes of that valuable harbour, and is much less than it ought to be considered entitled to.

3977. Have the Board of Works taken action to repair piers which they are entitled to do under the Act of Parliament; and have they prosecuted it to an improvement of those piers, or has the actual repair of the piers, which have gone to decay in many instances, been omitted?—I rather think that from the time of the passing of the Act which transferred to the grand juries the management of the piers in the first instance, and the supervision of them, the Board of Works have not felt themselves at liberty to expend any money in the improvement or in the repair of piers.

3978. If I do not mistake, under that Act to which you refer, there is a power for the Board of Works to come in and to make the repairs, in case the county refuses to do so?—There is.

3979. Have they taken action under that section?—I do not think that it has been absolutely necessary for them to interfere. I believe that the grand juries having been convinced, through the county surveyor, that it may become an imperative presentment, have made grants where applications have been made.

3980. We have had before us evidence, some of which has been given by yourself, that some of those piers, and some of the most important ones (I believe Ballycotton amongst others), are in a state of the most lamentable decay?—Yes.

3981. And that some of them have become perfectly useless?—Yes.

3982. Have the Board of Works taken active steps to repair those piers; have they forced the counties to pay for those repairs, as they have the power of doing?—That is not the process indicated by the Act which transferred those piers. The process is, that some interested parties shall in the first instance apply to the grand jury to get them repaired, and that if the grand jury do not consent to do so they shall then have recourse to the Board of Works. This Act is the Act of the 16 & 17 Vict. c. 136, the very Act which transferred those piers; and the 11th section of that Act is, "In case the Lord Lieutenant or other chief governor or governors of Ireland shall signify to the Commissioners of Her Majesty's Treasury, that any such harbour, pier, quay, landing-place or other work which may become the property of any such county as aforesaid, is not kept and maintained in good and proper repair by the grand jury of the county in which any such work may be situate, or that any sudden breach or damage has occurred to any such work, it shall and may be lawful for the Commissioners of Her Majesty's Treasury in any such case, if they think fit, on an estimate being laid before them by the Commissioners of Public Works, or any two of them, setting forth what sum will be requisite and necessary from time to time, for the repair of any such harbour, pier, quay, landing-place, or other work, and stating the situation of such harbour, pier, quay, landing-place, or other work, and of the repairs required for the same, to direct that any such sum or sums of money required by such Commissioners of Public Works, or any part thereof, be advanced and paid to such Commissioners out of the growing

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ing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to be applied under the directions of the said Commissioners of Public Works, in the repairing of any such harbour, pier, quay, landing-place, or other work."

3983. That does not require, as you seem to convey, that some interested party should come forward; it says that the Commissioners shall have the power?—No; it says that the Lord Lieutenant, or other chief governor of Ireland, shall signify it to the Treasury. There must be somebody taking the initiative in the first instance. The Board of Works is referred to, but the Board of Works is a mere engine. But here is a more recent Act, namely, the Act of the 29th & 30th of Victoria, chapter 45, the third section of which is: "It shall be lawful for the Commissioners of Public Works, with the sanction of the Lords Commissioners of Her Majesty's Treasury, in addition to the purposes by the said firstly-recited Act authorised, to make grants and loans towards the extension, enlargement, or improvement of any harbour, pier, quay, landing-slip, or other work heretofore executed, under the provisions of the said recited Acts; and such advances by way of grant and loan shall be deemed to be made by virtue of, and in all respects to be within the provisions of the said recited Acts and of this Act: Provided, however, that no such grants shall (including any grant previously made in aid of such pier or other work) exceed the sum of 7,500 *l.*" That is an Act which was passed only last year; and it now enables the Commissioners of Public Works to expend money in the improvement of a pier, subject to all the conditions of the Piers and Harbours Act, including, no doubt, local contribution.

3984. Then the way in which you understand the thing is, that some person must take action in the first instance before the Board of Works are called upon to interfere at all; in other words, they cannot recommend?—That, I believe, has been the practice: and I presume that it has been judged quite indispensable that there should be some improvement in the case.

3985. The Act of Parliament is rather obscure, but I should have thought that the Board of Works might on their own proper motion have suggested improvements such as you have in your report, at Ballycotton and other places?—I do not think that they have considered that they have had authority to do that.

3986. Then you do not consider that they have authority to act upon your recommendation?—Certainly not, except they have been moved to it. In the first place by the Act of the recent Session there should be a large local contribution so as to amount to a sufficient sum for the improvement.

3987. My question was more directed to repair than to extension?—Yes, that section applies to repairs; it enlarges their powers particularly.

3988. Colonel *Tottenham.*] In answer to the honourable Baronet you have stated that you object to any uniform system of regulations being directed to the whole of Ireland?—Of minute regulations.

3989. Would not those be regulations not coming under the present Bill?—There are certain regulations proposed to be made uniform in the Bill which I have read, and which I think may perhaps not be made applicable to all places.

3990. Will you state what you approve of, and what you object to in the present Bill?—The minute regulations to which I have been particularly directing my attention, are restrictions upon trawling under circumstances where there may be either herring or mackerel fishing. It is quite true that the Board of Works (the present Fishery Board) have under the powers given to them, made bye-laws in particular localities where a complaint was made that there was a great grievance, and that the herring fishery was greatly interrupted by a trawl boat coming in amongst the herring fishermen; and it was to meet cases of that sort that I believe in only two places in Ireland that regulation was made. It is however conformable with the general regulation enacted in the regulations of the French Convention Act.

3991. Which applies to the whole coast of England?—Yes.

3992. Is there anything in the coast of Ireland which would make the general regulation less applicable to it?—In that particular case complaints from those localities have been made to us that even those bye-laws have operated in some degree unjustly, inasmuch as a boat professing to go out to fish for herrings may be considered, under a strict interpretation of that bye-law, an absolute prohibition against trawlers fishing within three miles; that has been complained of.

3993. Notwithstanding that the Board, of which you are a member, enacted that bye-law?—They enacted it previously; it is since that bye-law was enacted that complaints have been made.

3994. Have they repealed it?—No; there is no regulation which is made to which some objection may not be taken.

3995. Then, as regards particular districts, this Bill enacts no more than is the custom and a bye-law already?—Just so.

3996. Is there anything else in the Bill to which you object?—In the course of my evidence I have objected to what I call the utter prostration of the present system and the substitution of another; I think that it would be better to improve the present department rather than altogether to extinguish the present powers and to grant new ones.

3997. That is as regards the administration and control of the business?—Yes.

3998. But as regards the question of contracts with crews and other things in the Bill, do you think that those regulations should not be uniform if they are to be enacted at all?—I think that there could be no possible harm, except that possibly it would be attended with a good deal of trouble to any department, if in every little case of a boat it should be necessary that they should adopt certain regulations, and that they should be signed in the presence of a magistrate. I think that a short enactment remedying the grievance now existing, that is to say, establishing the liability of every member of the crew, no matter from what source he took his remuneration, would be advantageous.

3999. Would that apply to every case of desertion?—It would remedy the grievance, and then magistrates would in every case carry out the agreement which had been made between the parties themselves.

4000. I understand you to have said that you would not lend money directly to the fishermen themselves?—I have not denied the benefit of it, but

but I am very doubtful as to the impracticability of it, and I confess that my doubts have been very considerably removed by the suggestion of the intervention of the Coast Guard Department as subordinates, and any other parties who may be employed in aid of the present establishment.

4001. At all events, you look upon it as a question of security; and provided the coast guard, as a mediator, could give security, you would have no objection to lend the money?—Distinctly not. I think that I was asked by an Honourable Member as to some of the other minute regulations in the Bill. So far as the oyster fisheries are concerned, I fear that it would be a very prolific source of litigation and contention to permit any department to give a license to parties to make oyster-layings outside low-water mark. We are to suppose that oyster-layings may have been made between high-water mark and low-water mark; and if another individual was then permitted to create an oyster-bed outside that, he would have all the benefit of the layings formed by the proprietor in a certain place.

4002. *Chairman.*] You mean that he would have the benefit of the spat floating away?—Yes.

4003. Might he not as well use it as leave it to be unproductive?—It would not be unproductive. We have always found fault with the granting of a license into the deep water. It is, to a certain extent, an obstruction to a public right; but we, on the other hand, felt that there is an equivalent in the oysters, which will finally grow in deep water; the spat, which will go out into deep water, will hereafter form a valuable fishery to the public.

4004. The granting of such an oyster-bed as you allude to is left entirely to the inspectors under the Board, and they would not be likely to do anything of the kind which you point out?—I am sure that if you knew as well as I do the painful position of discretion not clearly defined, you would allow that it was imposing a most disagreeable and a most unpleasant responsibility upon the administrators of any such law to leave it to them without control.

4005. There are officers of the Crown who are supposed to perform their duties to the public irrespectively of any such consideration as you have mentioned?—They should do so.

4006. And you would assume that such persons would be appointed?—Probably so.

4007. Colonel *Tottenham.*] Do you think that it would meet your objection if the cultivation of an oyster bed between high and low-water mark had a preferential claim outside; that is to say, that if he wished to use the bottom below the bed already planted, he should have the preference or the refusal before any other applicant?—In making those concessions, we are not limited to low-water mark; we go into the deep water far beyond the extreme point of low-water mark, to such an extent as we think fair and reasonable, and we think that even outside that the public would have an equivalent, and I hardly think that it would be right to give to any Department the power to abstract that from the public; something should be left for public ground.

4008. In fact you object to extending too far the principle of private beds?—Exactly so.

4009. *Chairman.*] Were not you rather in error in stating on the last occasion of your examination, that there were not any oyster layings below low-water mark. The impression which you conveyed to my mind was that it would be useless to give a privilege to plant oyster beds below low-water mark, as it was not likely that such layings could take place. Are not there a great many oyster beds always under water?—Yes, but I hardly think that there are any places entirely below low water where it would be desirable to plant in the deep sea.

4010. As a matter of fact, are there not some oyster beds always having six feet of water over them. Do you know for instance the passage near Waterford, and the oyster beds in the estuary in Cork Harbour?—Doubtless; they are places, I presume, belonging to the public, and where nobody should interfere.

4011. Is it not practicable to plant oysters in some places under water?—I presume so. On the eastern coast of Ireland, off Arklow, and off Wexford, and in Waterford there are natural banks which are never exposed.

4012. On the last day of your examination I asked you a question, upon which, I think, I had your concurrence, that in the event of an owner or occupier in an estuary not planting an oyster bed himself, beyond the foreshore, you would grant the privilege to other parties under the machinery proposed in the Bill?—I think that he ought not to play the dog-in-the-manger.

4013. You commenced your operations in 1819 under the Act of 59 Geo. 3. When you made your first report in the year 1821 as to the number of vessels employed, you returned them as 7,635 vessels, and you returned 36,159 men and boys. When you closed your operations in 1830 the number of vessels had gone up to 13,119, and the number of men and boys to 64,771?—Yes.

4014. Was not that increase altogether attributable to the encouragement given by the bounties and the loans?—There is not a doubt about it.

4015. Was not the whole amount of bounties and loans during the 12 years for which you acted as inspector general of that department under a quarter of a million?—Yes, it was something over 240,000 *l.*

4016. The items are contained in the 23rd page of the Appendix to your Report?—Yes.

4017. The whole amount which you gave for new boats and repairs of boats, and supplies of fishing gear, was 16,530 *l.* 6 *s.* 10 *d.*?—Yes.

4018. And of that sum, I believe, that 5,000 *l.* was contributed to you by a charitable society in London?—Yes.

4019. Which was refunded, having been repaid by the persons who received the loan?—Yes.

4020. I believe that the greatest amount of permanent good was done by the advances made to the fishermen in the way of loans for their boats?—I think so.

4021. The sum amounted to only 16,000 *l.*, the greatest portion of which was paid back?—I think so.

4022. For piers and quays there was an amount of 22,978 *l.* 11 *s.* 4 *d.* New boats, repairs of boats, and supplies of fishing gear, 16,530 *l.* 6 *s.* 10 *d.* Fishery bounties, 150,637 *l.* 2 *s.* 8 *d.* Salaries and incidents, 55,064 *l.* 13 *s.*; making a total of 245,210 *l.* 13 *s.* 10 *d.*?—I have stated that the bounties consisted of three kinds; there was a

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tonnage bounty to a certain class of vessels which went out to the distant fisheries, and remained for three months, having on board their cargoes of cured fish, without reference to the quantity which they took. The next, and the most important, and the most available bounty to the coast generally, was what was called the "Production Bounty;" it consisted of 4*s.* upon every cwt. of cured fish of a certain kind produced to the local inspector; and there was also 3*s.* per barrel upon the herrings which might be cured.

4023. Each of the gentlemen who were inspectors, namely, the gentleman occupying the same position as yourself up to the conclusion of their operations year by year, spoke highly of the benefits which the poor people derived from the loans?—They all did so.

4024. I believe that a very able document was drawn up by you, and signed by Mr. Townsend and yourself, and which is to be found in page 134 in the Appendix to the Report of 1836, in which there is a summary of your opinions in favour of the loans, and which opinions are strongly in support of those loans?—That, I think, was while my friend Mr. Townsend and I were Commissioners of Inquiry.

4025. The heading of that document is, "Loan Funds. General Conclusions drawn by Messrs. Townsend and Barry from the Information received through the Medium of Evidence, and the Answers to the printed Queries, as well as from their personal Observations on their Tour of Inquiry"?—Yes; Mr. Townsend was a joint Commissioner in 1836.

4026. At the commencement of the year 1830 the Commission of Irish Fisheries, of which you were a member, directed a letter to Lord Francis Leveson Gower, who was then Chief Secretary for Ireland, in which there is the following statement: "The second object to which we beg leave to call your attention is the wisdom of continuing the Fishery Loan Fund. We can assure your Lordship that the operations of this fund have been productive of the greatest advantages among the poorer class of fishermen"?—The expressions were very strong; in the last report most especially of that old Board, it will be found that they wind up with a very strong appeal to the Government to continue some such system of management.

4027. Having found it work so advantageously?—Yes; it is signed by some very distinguished individuals. I can give the names of the then Commissioners, and we were all unanimous.

4028. Is that contained in this book?—I do not think that it is.

4029. At the time when the operations of the loans and bounties were going on, there were no railways in existence?—No.

4030. There were no steamboats?—No.

4031. And the mode of preserving fish in ice was not much practised?—It was very little known.

4032. And there were very little means of conveying fish to the London market?—Yes.

4033. Do you think that if the same aid, as regards means, were now given, the number of men and boys would be very much beyond what they are at the present time?—Yes, even discontinuing what everybody admits to have been a vicious system, namely, the bounty system.

4034. The fisheries went down for some time, both as respects the men and boats employed?—After the bounties were withdrawn; yes.

4035. Immediately before the famine, there were upwards of 20,000 boats and 113,000 men. Was not there at that time room for a greater number of men and boys to be employed in the fisheries, so far as the amount of fish upon the coast went which might be captured?—I presume that there was.

4036. Then you consider, notwithstanding you are of opinion that, in certain places, the supply of a certain description of fish has gone down, there is still more than enough of fish on the coast to employ a very much greater number of men and boats upon the coast than there is at present?—I am sure that there is.

4037. Did not it appear in evidence before the Commission, of which you were a member, that so desirous were the people upon the coast of Donegal of prosecuting the fisheries, that in some instances they tied their blankets and sheets together for the purpose of using them in fishing, and remained without any covering, sometimes even in bad weather?—I heard one coast guard officer state that fact, and that expedients were resorted to, which are very rare at present. In those fine summers nothing was so common as for those fine fish to come in; the people took them in their hats, and so on; but that does not occur now.

4038. Can you state about the amount of Newfoundland cured fish imported into Ireland at present; it is very much diminished, is it not?—I think that I have stated it in my report of last year; we can only know it from the reports of the British Commissioners.

4039. In round numbers, between ling, cod, and Scotch herrings, is there not about a quarter of a million of cured fish imported?—I do not know; it has materially diminished.

4040. But that is all a description of fish with which our coasts abound and which might be caught?—Yes.

4041. Is not the amount of strange fishermen and boats frequenting the eastern coast fully 40 per cent. of the whole number of men and boats employed?—It is fully that. I have stated that it is two-thirds. As compared with that class of boat, it is considerably more. I think that I did not overrate it in saying that it was two-thirds.

4042. You have spoken of the desirability of the loans to fishermen being granted intermediately, and not directly to themselves. Have you read the clause in the Bill with regard to loans to fishermen, which enacts that a loan shall only be made "to any person who shall produce such security for the repayment of such money as he may be entitled to borrow, on the certificate of the inspectors, as may be satisfactory to the Commissioners of Public Works"?—Yes.

4043. Do you not think that if satisfactory securities were found to undertake that responsibility, the money might in such a case be advanced directly to the party himself?—I think that it might; but I think that there should exist concurrently with that the means of ascertaining that the money was so applied.

4044. Do you not consider that the loans would be particularly useful in tending to the formation of small local companies worked by practical people themselves?—No doubt.

4045. Are those companies more likely to prove

prove successful than the large ones of which you have spoken?—There is no doubt of it.

4046. As a rule, have not all the large companies in Ireland turned out to be failures?—Unfortunately any effort which has heretofore been made has been an unsuccessful one. There are only two companies which I know of which I hope to see successful: the one is a company formed in Cork by a few persons, respectable commercial men, headed by a most intelligent gentleman, the chairman of a bank in Cork; the other is a company formed in Dublin of some of the most wealthy and respectable merchants there, and they have ample means, and they seem to be going about the thing cautiously and judiciously; that is at Howth, principally.

4047. Have you seen the printed accounts which were published as to the company at Howth last year?—Yes.

4048. Last year, was there not a loss of close upon 2,000 *l.*?—They had a loss last year owing, as it seems, to having attempted to work their company by paying their men wages.

4049. Is it not the fact that a portion of the 15,000 *l.* a year which Scotland gets for fisheries, namely, 500 *l.*, used to be applied, not in loans, but in gifts for boats and gear?—It used to be so; it was so stated in the Act of Parliament; but I think that they have amalgamated with the pier fund, for they found that it was too minute a thing to be managed by itself.

4050. Can you state the aid which is given by the French Government to the fisheries and the fishermen?—I am not minutely acquainted with that subject.

4051. Are you aware that if a French fisherman loses any part of his gear at sea, such as a mast, sail or a net, he has only to go to the government officer on shore to get himself re-couped for the whole amount of the loss?—I am not aware of the minute particulars; but I am under the general impression that the system of encouragement has been extremely liberal on the part of the Government of France towards fishermen.

4052. Has not the Emperor of the French given considerable encouragement to the men fishing off Newfoundland?—Yes.

4053. And they have thereby acquired a very important status there?—Yes.

4054. Can you state the encouragement given by the Dutch Government to their fisheries?—I cannot.

4055. Was not it very extensive in former times?—I rather think that the prosperity of the Dutch fishermen has been greatly attributable in former times to industry and great enterprise.

4056. Are you in favour of the establishment of curing houses round the coast where the fish are caught, and where there are not facilities for sending them fresh to market?—Decidedly, where there are not facilities of transit; for the greatest want experienced in those remote places is the want of facility of communication between the fishing ports and the places where there are railway stations; it is almost as bad as if there were no railway stations. If there is an interval of 30 or 40 miles uncovered by a facility of transit, the fish is sold for a considerably smaller sum than under other circumstances.

4057. With the great decrease of tillage which is going on in Ireland, and with the disposition on the part of some of landlords to throw their lands into pasturage, is it not more than ever desirable to do something to keep the population at home by developing such resources as the fisheries?—I should decidedly think that it is.

4058. I will read to you the following extract from the Report of the Royal Commission last year, and will ask you how far you agree with it: "The produce of the sea around our coasts bears a far higher proportion to that of the land than is generally imagined. The most frequented fishing grounds are much more prolific of food than the same extent of the richest land. Once in the year an acre of good land, carefully tilled, produces a ton of corn or two hundred-weight or three hundred-weight of meat or cheese. The same area at the bottom of the sea, on the best fishing grounds, yields a greater weight of food to the persevering fisherman every week in the year. Five vessels belonging to the same owner, in a single night's fishing, brought in 17 tons' weight of fish, an amount of wholesome food equal in weight to that of 50 cattle or 300 sheep. The ground which these vessels covered during the night's fishing could not have exceeded an area of 50 acres. When we consider the amount of care that has been bestowed on the improvement of agriculture, the national societies which are established for promoting it, and the scientific knowledge and engineering skill which have been enlisted in its aid, it seems strange that the sea fisheries have hitherto attracted so little of the public attention. There are few means of enterprise that present better chances of profit than our sea fisheries; and no object of greater utility could be named than the development of enterprise, skill, and mechanical ingenuity which might be elicited by the periodical exhibitions and publications of an influential society specially devoted to the British fisheries." Do you generally concur in that statement as to the great remuneration which would arise from the prosecution of the fisheries?—I think that they would be a very valuable adjunct to the other sources of occupation.

4059. In reply to an Honourable Member on the former day, I understood you to say that if inducements were offered to a labourer to devote himself to land pursuits, you would not be surprised at his turning away from the fisheries. Are not the fisheries, if properly prosecuted, likely to be more productive?—So far as my experience goes, I think that a labourer who could get profitable and continuous occupation upon land would be a wise man to turn to that occupation rather than to fishing.

4060. The great portion of the coast population, who hold a small quantity of land, and who follow fishing, I believe, are not looked upon by the landlords as very great objects of interest?—Not at all, I am sorry to say.

4061. Under those circumstances is it not unlikely that many landlords would make any advances for the purpose of having fishery piers, or slips, erected for the benefit of such people?—There are many who are so disposed.

4062. Is not the provision as regards the Board of Works, which enacts that piers and harbours for fishing purposes may be erected upon the locality subscribing one-fourth, likely to prove abortive in many places where it would be most desirable for fishery purposes to have such accommodation?—I am sorry to say that there

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there is not a very general disposition to avail of it.

4063. Do you know the harbour of Ballinagoul in Waterford?—Yes; it is very near to Dungarvan on the opposite shore.

4064. I will read to you an extract from a book written upon fisheries, by the late Mr. Herbert Hore. Referring to the Commission of 1836, he states, "As an instance of the difficulty caused by this requirement" (that is of local contribution), "a case brought before the notice of the Commission may be mentioned: a very enterprising and prosperous fishing community existed at Ballinagoul, on the Waterford coast; the late Fishery Board were so convinced of its importance as to offer to contribute three-fourths of the expense of erecting a pier, but the proprietors of the soil would not come forward, and although the people themselves offered to contribute in labour, the project was necessarily abandoned;" have you any recollection of that case?—I have a perfect recollection of it. However, a pier was afterwards built there, which requires improvement; and the great difficulty is local contribution.

4065. Is it not likely that there are very many other instances of the same sort?—I am sure that there are.

4066. Then do you not think that it is desirable for the Government to have an inquiry as to the places where there should be piers and harbours, and where local contribution could not be got, and where they should relax the provision of the Act?—No doubt.

4067. The French Fisheries Act, by an order in Council, is not in operation upon the Irish coast?—No; until the period has arrived, which has recently arrived, of a mixed fishery between the French and the Irish, which, I believe, has been the case for a very short time at Kinsale.

4068. If a single French vessel came upon the coast of Ireland, would not the whole of the Convention come into operation?—It may be so construed.

4069. Then would not a great many of your existing rules and regulations be placed in abeyance?—I think not, because we have adopted very much of their views in the formation of our bye-law. For instance, the bye-law referred to by the Honourable Member who sat near you with regard to the restraint upon trawling near to herring fishing is altogether extracted from the regulations of the French Convention Act.

4070. Would not the regulatio n ith regard to the division of districts immediately fall into desuetude?—I do not think it a very likely event. In pursuance of the Order of the Committee, I have brought with me all the correspondence connected with the French Convention.

4071. Is it very voluminous?—It is contained in this book, with copies of the Act.

4072. Are not the grants which are made out of the Consolidated Fund for the encouragement of the Scotch fisheries far beyond what we enjoy?—Very; in round numbers, I think that they are 15 times as much.

4073. When we take into consideration the amount expended by the Government on our fishery piers and harbours, have the Scotch upon the whole very much advantage over us; I believe that the grant to Scotland is something like 16,000*l.* a year?—About that.

4074. And they refund about 3,000*l.* a year from branding fees?—Yes.

4075. So that it is about 13,000*l.* a year?—Yes.

4076. The whole amount directly given for our fishery purposes is now, I believe, very little beyond your own personal emolument, but it is contended that if the piers and harbours erected in Ireland by the Government are counted up, Scotland has not so very much more than we have; is that your opinion?—No doubt all that has been stated as the cost of the fisheries in Ireland, is simply a small establishment which we have in Dublin; but it should be remembered that while in Scotland they necessarily have a separate establishment, which costs a great deal of that money, a good many of the duties which in Scotland are performed by a distinct department are in Ireland performed by another department who discharge other duties.

4077. Then on the whole do you think that in Scotland they are placed in a better position than in Ireland?—I think that they have the advantage of having a number of trained inspectors who, if they perform their duties (which I presume that they do), tend to encourage the fisheries.

4078. Mr. *Maguire.*] How many inspectors are there in Scotland?—I really cannot remember the number. I suppose that there are nearly 20.

4079. Would you be surprised to hear that there are 40?—I do not think that there are so many. The Votes will give the numbers.

4080. *Chairman.*] When grants to British fisheries are spoken of, I suppose that that means Scotland only?—Yes.

4081. In a return which I have in my hand, it is stated that from the year 1809 to 1841 the total sum given for British fisheries, excluding Ireland, is 1,282,721*l.* 4*s.* -½*d.* The encouragement to Irish fisheries by the Imperial Government began in 1819. It is stated by Mr. Hore that "in 1819 Ireland commenced to receive similar pecuniary aid, and from 1819 to 1830, received 259,358*l.* 6*s.* 8*d.*, showing a receipt by British fisheries in excess of the sum accorded to Irish, of more than 1,000,000*l.* sterling," so that Scotland itself received 1,000,000*l.* more than we did?—They had 10 years advance of us in the first place.

4082. Mr. Hore states, "The deep sea and inshore fisheries of Ireland appear to need and deserve an active care, and liberal policy to be extended to them to lay the foundation for permanent and important improvement. With regard to the extent to which Government interference and assistance may be legitimately and usefully applied within the bounds of strict and impartial justice to this country the amount to which they have received the aid of public money, or now receive it, may be placed in contrast to that expended for those of Scotland. According to a Return printed by Order of the House of Commons the following sums were granted for the encouragement of the British fisheries:

From 1809 to 1819	-	£. 327,282	9	6
„ 1819 to 1829	-	762,461	-	8½
„ 1829 to 1841	-	192,977	13	10
		£. 1,282,721	4	-½

4083. Colonel

4083. Colonel *Vandeleur.*] Are you aware of the system which has existed in Scotland as respects branding?—Yes.

4084. Is there a branding officer at each station?—I think that it is the especial duty of the inspector to superintend the branding.

4085. Are you aware how many stations there are in Scotland?—I cannot exactly tell the number without reference.

4086. Do you know that, in fact, there are 26 branding officers and two inspectors?—Those officers are called officers of fisheries, and the others are general inspectors.

4087. Have you understood that there is some intention of doing away with the branding in Scotland?—I know that it was strongly recommended by the Treasury, and I know that there is a powerful party connected with the fisheries in Scotland, who are very desirous of doing away with branding altogether.

4088. At present there is some intention of giving up the brand?—Yes; at least some efforts have been made to induce the Government to do so.

4089. What is your opinion in that respect; do you consider the brand serviceable or not?—On one or two occasions, when I was in Scotland, I devoted a good deal of attention to the subject, and it struck me that there was a spirit of monopoly on the part of the great curers, who were desirous to make the small curers depend upon them, and to oblige the small curers to come to them and sell them fish. The great curers had acquired such a name in the foreign market, that their name was sufficient. The name of a small curer not being known in the foreign market, he could not compete in the foreign market with the great curer, and the consequence was, that the small curer was obliged to have recourse to the great curer, and to sell his fish at a reduced price, and he became a kind of middle man. They therefore expressed themselves perfectly ready to pay the cost of this branding, and they do cheerfully pay it; and I believe that it amounts to something like 3,000*l.* a year.

4090. At present the Scotch brand acts injuriously against the Irish fisheries?—So the Irish people say; but up to a very recent period I never thought that we had such a herring fishery as to make it worth our while to have a branding system at all. I am, however, now told, by those who are extensively engaged in the herring fishery in Howth, that when the fresh fish trade, which is the most profitable mode of disposing of the fish, ceases, they must necessarily begin to cure; that they have cured largely, and that in some of the foreign markets they have not been able to compete with the Scotch crown branded "fish."

4091. Would you consider it essential, in order to promote the interests of the Irish fisheries, that the power of branding should be given to the Fishery Inspectors in Ireland, or that both countries should be put upon the same footing, by doing away with the Scotch branding?—I confess that I think that the alternative would be very unfair towards Scotland. I think that if it be good for Scotland, and if it be asked for Ireland, it ought rather to be given to Ireland than taken away from Scotland.

4092. *Chairman.*] Has not Scotland in its fisheries been greatly aided by the British Fishery Association?—Yes, formerly, and most particularly in the last season; and there are great results at Wick.

4093. Was not that association originally formed for the purpose of enabling the British fisheries, especially the herring fisheries, to cope with the Dutch?—I presume so; it was, I think, 70 years ago.

4094. Are you aware that that association is still in existence?—I believe that it is.

4095. And do you know that they now pay 4 per cent. upon the capital expended?—I did not know that.

4096. Mr. *Maguire.*] You think that branding is beneficial for the Scotch fishery; how could that power be obtained in Ireland; could it be directly obtained through your Board, or must it be obtained through the intervention of Parliament?—It could only be obtained by legislation. But if there be anything like an idea either of forming a new establishment, or of enlarging the present establishment, I think that it may be done very inexpensively, and most particularly if the people will pay, as they are willing to do, for the cost of the branding of herrings, a sum which would go in diminution of the expense of the establishment.

4097. It would be something very small?—Yes, 4*d.* a barrel, I think, is what they now pay in Scotland.

4098. With respect to the curing of herrings at the Howth station, it has been stated by one of the witnesses here that they are all imperfectly cured; is that your opinion?—So far as I have had an opportunity of seeing them, I do not think so; I never saw finer fish cured in my life than the fish cured by the Dublin Company; the only objection which I made was that they had their barrels made of fir, which is considered in Scotland to impregnate the fish with a sort of turpentine flavour, and they do not allow it. Another benefit from branding would be, that it would give a character to the fish, and it would oblige the parties to cure the fish in a proper manner.

4099. Then you do not think that the mode of curing fish in Howth is a subject which requires investigation?—Certainly not; I never visited Howth without seeing how the establishment was going on.

4100. If it has been stated by any person that the mode of curing at Howth is very inefficient, that would not be consistent with your experience?—I generally looked at the fish, and made any remarks which I thought necessary; they were always very glad to see me.

4101. You were not dissatisfied with the mode of curing fish at Howth?—Not at all; the operations there are all conducted on a most respectable scale.

4102. *Chairman.*] With regard to desirability of surveys for the purpose of ascertaining the fishing-grounds, did not the late Sir John Franklin, in 1836, recommend that there should be such examinations?—I think that he was a witness before our Commission in 1836.

4103. Do you think that that would be desirable?—Certainly, if it could be done at a moderate expense; and I do not see any reasons why the cruisers on the coast may not be instructed to do something of the kind.

4104. Are you aware that Mr. J. C. Deane, in a paper which he wrote in 1847, writes as follows, in advocating that the deep sea fishing banks

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should be surveyed by Government, as well with a view of ascertaining their exact position as of recording their productiveness: "During the past year some gentlemen with whom I connected myself sought to organize a company for supplying fishing boats, and for fishing generally. We presented a memorial to the late Government for a vessel to survey the great Nymph Bank, and a revenue cruizer was at once placed at our disposal; but not having received public support, we were, with much regret, unavoidably prevented from taking advantage of this liberal offer. The expense of providing gear would have been very considerable (more than those who organized the project felt themselves called upon to incur), and it was even questioned by practical men whether the survey could have been effectively carried on by one vessel, and more particularly as the time was limited for her occcupation in our service. I believe, also, that the value of any survey made by private individuals would not be recognized by the public as authentic, and that to be really useful it should be conducted by Government, through the medium of its own officers, aided by experienced fishermen, as well as by men of science. A report formed on a survey of this kind would be most valuable, particularly to those anxious to embark in the fishery of the deep seas; and a knowledge of the position and of the resources of the banks would, I have no doubt, tend to increase the number of vessels of that size sufficient and capable for promoting those fisheries. Mr. Strangman, of Waterford, told me that he, as well as others, would have embarked capital in providing vessels for carrying on the deep sea fisheries of the Nymph Bank, but that they were deterred from so doing, in consequence of the expense which a preliminary survey of its position and productiveness would entail"?—I remember the occasion very well.

4105. Did not Mr. Strangman, of Waterford, endeavour to organize a company, which he failed in getting up, in consequence of the Government declining to survey the Nymph Bank, as requested?—It was when Lord Clinton was Secretary for Ireland, and he most fully concurred in the desirability of the object.

4106. Mr. Hore's book also contains the following passages: "Charts of fishing banks would contribute materially to the promotion of the fisheries. Government is now making a nautical survey of the coast, and with a small additional expense the Admiralty surveyors could easily examine the several fishing banks, and by having experienced fishermen with them, could not only set down the nature of those banks, their soundings, currents, &c., but also, by 'trying the ground,' ascertain the kinds and quantities of fish resorting to them. The resources and treasures of the deep being thus tested, an additional stimulus for perseverance and exertion is thereby given; the fisherman no longer works in the dark as heretofore, but knows in what direction to shape his course in search of fish, should he not succeed in finding them in their accustomed haunts. Facts from the Fisheries. Waterford, 8vo., 1848. Sir John Franklin suggested, in 1836, that surveys should be made of the reputed fishing banks on the western coast, to ascertain their precise position, extent, soundings, and the supply of fish resorting to them. Some of the charts appertaining to the coast survey were published and were reported in 1836 to be 'sought after with much earnestness' (Appendix p. 18). The erection of small white beacon posts on rocks, and the buoying of sunken and isolated rocks, form also another important point in which the aid of Government might be given; where such appliances were provided in the immediate neighbourhood of the coast, the funds might be leviable by district assessment"?—Just so.

4107. As the banks and shoals around Ireland are now tolerably well surveyed, could not a survey, to ascertain whether they are productive grounds, not fished, be very easily and very inexpensively undertaken?—Yes, it would be very easy and very inexpensive.

4108. You would recommend it?—Yes.

4109. And you think that it would be most valuable?—I do.

4110. Colonel *Vandeleur.*] It has been suggested that a compulsory agreement with the fishermen would be very desirable; would you consider it possible that a compulsory agreement could be made?—I think that it would be much better to leave it to a voluntary arrangement, giving to the magistrates, by legislation if necessary, the power to enforce such agreements as should be proved before them.

4111. A letter has been sent to me by Mr. Forster, the general manager of the Irish Sea Fishery Company; do you know anything of that Company's proceedings?—I do; I have been speaking of them; they are a most respectable Company in Howth, and that gentleman is a most intelligent and respectable person; he is their manager. In the course of my evidence on the former day I put in a letter received from him, in which he speaks of probably the same thing as he does to you.

4112. Is this a copy of the same letter (*handing the letter to the Witness*)?—It is not.

4113. The complaint which he made to you was respecting the difficulty of management?—The complaint which he made to me was simply that in cases where the crews received their remuneration by shares, and where some of those crews had committed acts which rendered them in other respects amenable to prosecutions, when the cases were brought before benches at petty sessions the magistrates declared that, as there existed a partnership between the prosecutor and the accused, they could not interfere.

4114. In the letter which I have put into your hand, Mr. Forster refers to the evidence given by Sir James Dombrain?—Yes.

4115. If Mr. Forster should be of opinion that the evidence given by Sir James Dombrain and by Mr. Andrews did not apply to his company, would you be of the same opinion; I will read you what Mr. Forster has stated:—"Kinsale Mackerel Fishery, 8th June 1867. Sir,—Having carefully studied the evidence which has been given before the Committee on Irish fisheries, I observe with regret that two of the witnesses, Sir James Dombrain and Mr. Andrews have given an opinion against the developement of the fisheries by means of public companies, founded on the failure of previous companies; and as it is quite evident to me that these opinions have no good foundation, and are contradicted by the progress which has been made during the past 12 months, by both the South of Ireland Company (Limited) and the company of which I have the management, if uncontradicted, they would have a most

a most prejudicial effect, I beg to forward a copy of a report made by me on the fisheries at Howth to the Commissioners of Public Works, at their request; and I would particularly draw your attention to the reasons which I put forward to account for previous failures, and I perhaps cannot do better than give an extract; viz., 'The question has often been asked how it is that so many companies formed for the developement of the Irish fisheries have failed? The answer I consider to be a very simple one. They have, in nearly all cases, turned their attention to cod, hake, and ling fishing; and, as I have previously pointed out, the share which would fall to the lot of the company, namely, one-fifth of the produce, would hardly cover the expense of management, I conceive that those fisheries can only be successfully carried out by parties owning and working their own boats, and that, as a general rule, the attention of companies should be directed to the mackerel and herring fisheries, which, under careful and good management, offer a fair field for the investment of capital, and where one-half the proceeds fall to the company's share.'" Have you read that report?—It is all perfectly true.

4116. He goes on to say: "I might have added that the system of working upon wages, which at the time the companies alluded to were in existence was the fashion, was one which would, no doubt, conduce to cause failure; and the expensive manner in which every thing was done, in a business which, above all others, requires the strictest economy, no doubt had also its effect. I would also draw your attention to my remarks on the subject of a brand; and above all, I would ask your attention to the subject of some form of compulsory agreement with the fishermen, to put an end to the almost weekly change of men in the boats, and consequent loss of time, and intemperance caused thereby." You agree with all the first part of that letter. I have asked you a question with regard to compulsory agreements: as to a compulsory agreement, do you see your way to forming an agreement of any kind which would be serviceable to both masters and men?—I should be very unwilling to recommend a compulsory form of agreement. I think that it would be very difficult; but I should strongly recommend that any voluntary agreement entered into by the parties should be rendered so far legal as that, if brought before a proper tribunal, that tribunal should be induced to act upon it, and to punish any person who broke that agreement.

4117. You stated that this company had a serious loss?—Yes; owing to a cause named there according to their own statement; owing to their having undertaken the operation on the principle of paying wages instead of giving a portion of the profits to the parties engaged.

4118. Are you aware that the company state that upon a paid-up capital of 5,000*l.* they cleared nearly 2,000*l.* last year in three months by the haddock fishing, less the wear and tear of nets?—I have heard so, and I presume that it is correct if they state it.

4119. The same gentleman, Mr. Forster, states that the expense of fitting out herring boats is very great?—It is very considerable.

4120. Do you know what the expense is of what they call a train of nets?—It depends upon the length of them.

4121. He states that a train of nets costs nearly 360*l.*?—I should not wonder; there are trains of nets which I am quite sure cost even more.

4122. He states, which must be a serious matter, that one mishap may destroy the whole?—It is quite possible.

4123. Mr. Forster also states, "I feel convinced that both these fisheries are yet in their infancy;" that is, the Howth and Kinsale Fisheries?—I hope that it may turn out so. I think that they are very well undertaken, and that they are in very good hands.

4124. He says, "I feel convinced that both these fisheries are yet in their infancy and will year by year increase; but a fishing population, dependent entirely upon fishing, must be created, and for this purpose houses must be erected both at Howth and Kinsale or the men will never be kept together." I think that you have already expressed your concurrence in that?—No doubt it is desirable.

4125. Mr. *Bonham-Carter.*] It appears from the evidence of Sir James Dombrain that he does not speak from a personal observation of the mode of curing, but that he speaks from the general report, and he states that his special acquaintance with the fishing is principally on the western coast. May not what he says with regard to curing hold true as respects the western coast?—It is quite likely; it is certainly not in the same degree of perfection there that it is upon the eastern coast. I was rather surprised to think that that evidence should, of all places, have been applied to Howth, because I believe that there the thing is well done.

4126. I do not find in the evidence that Sir James Dombrain does specially apply his remark to Howth; his remark with regard to Howth is principally in reference to the operation of the strike, which I think you mentioned as one of the causes of the want of success in the dividend of that particular company?—I have only very recently heard of such a thing. I believe that it is a matter of rather rare occurrence.

4127. Is not that strike, in fact, a development of the difference between the masters and the men, which lead to the want of a sufficient return to which you were yourself referring?—I think that that strike must have been at a period when the remuneration was by wages, and that it was an effort for getting an increased rate of wages, but so far as I have had an opportunity of observing lately, the people are very well satisfied with the principle of the moiety which they get.

4128. The expression of Sir James Dombrain is that, in Ireland generally, salt is thrown on herrings, and that there is an end of it. How long have you known the improved curing, of which you have spoken, to go on?—I spoke particularly with reference to Howth, but I firmly believe that in the vicinity of all those quarters where curing stations were appointed under the direction of the Government in the years 1846 and 1847, one of the most important benefits resulting to those localities was an improved system and a training in curing. One improvement was the importation of Scotch curers; we got over from the Scotch Board some of their most skilful curers who were employed, and they certainly did the most eminent service at the various stations where they were engaged in teaching the men there to cure the fish well; and I think that from that period the

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curing has been very considerably improved in those localities.

4129. You have stated that in consequence of the want of the brand the merchants selling the Irish cured fish have found considerable difficulty in getting what they have considered a sufficient price?—Two parties have complained to me of it. There is the gentlemen whose letter was under discussion, namely, Mr. Forster, the manager of the Dublin Company, and there is a Mr. May, who has become an extensive curer, and who complained very bitterly indeed that he could not dispose of his fish in consequence of its not having the advantage of a brand.

4130. When you say that he could not dispose of his fish, do you mean that his market was absolutely spoilt?—No; but I believe that owing to competition with branded fish, he could not get a price for his fish; I presume that it was for a foreign market.

4131. Have you any positive knowledge whether the quality of the two competing articles was the same?—No, I cannot tell.

4132. Then you do not know whether this Howth fish, which was brought into competition, was really as well cured as the Scotch fish?—No, I cannot tell.

4133. But you do think that it was well cured?—As far as I have seen it appears to have been very well cured; and I have understood, from some competent persons who went to examine Mr. May's fish, that it was said to have been very well cured; but it does not bear the character which the fish with the Crown brand has.

4134. Have you given sufficient attention to the question, to say whether you think that the branding ought to be continued and extended to Ireland, or that, upon the whole, branding might be abandoned, and the ordinary action of the market left to operate?—I think that if there be anything like an increased establishment, it will add very little to their trouble to brand in the very few cases where branding will be required; and I think that it would be preferable to make the experiment of giving branding in Ireland to removing it in Scotland.

4135. You are, on the whole, in favour of branding?—In Scotland I am; and as the parties have represented that they should have it in Ireland, as well as in Scotland, I think that it should rather be given to Ireland than taken from Scotland. I came to the full conviction, when I was in Scotland, that justice was in favour of continuing branding in Scotland, for the sake of the small curers.

4136. Colonel *Vandeleur.*] A large number of the open boats in many parts of the coast of Ireland which are used for fishing, are also used during many portions of the year in collecting seaweed, are they not?—Yes.

4137. In many cases, the men who are engaged in gathering and collecting seaweed find it as profitable an occupation as the fishing?—Very often.

4138. *Chairman.*] I believe that the former class of men were more genuine fishermen than the present ones?—They were much of the same class. We probably have a larger number of what you may call legitimate fishermen than we then had, because of the importation of Scotchmen and other foreigners.

The *Chairman* delivered in the following extracts taken by him from the Appendix to the First Report of the Commissioners of the Irish Fishery Inquiry in the year 1836:—

Extracts from Reports of the late Commissioners of the Irish Fisheries.

"From the returns made by the officers of the number of vessels, boats, and men, registered in the Irish fisheries, and uniformly engaged in the occupation of fishing, the Commissioners have been enabled to add an appendix to this year's report, exhibiting the result of those returns. By a reference thereto, it will be seen that the number of men who almost exclusively follow that mode of life, amounts to upwards of 36,000, belonging to craft already registered in the officer's books; while those belonging to the craft still unregistered would (there is reason to believe) add considerably to the number. The Commissioners cannot conclude their observations on this particular head, without stating an important fact, which they consider as strongly illustrative of the progressive improvement of the Irish fisheries; namely, that in the western district of Ireland alone, the increased number of men engaged in the fisheries this present year over the preceding one, amounts to upwards of 1,500. In the appendix last mentioned, containing a statement of that portion of the physical strength of the country, which appears at present engaged in its fisheries, the Commissioners have not taken into account the number of persons occupied in the manufacture of netting, cordage, and other branches of trade connected with fishery pursuits; they can only, for the present, generally state their numbers as very considerable; but they expect to be enabled to give, in their next year's report, a more detailed account of those particular points, embracing both an accurate and gratifying proof of the increasing industry of the maritime population of Ireland.

"The Commissioners cannot in justice omit so fair an opportunity as this report offers, of acknowledging the liberal and prompt assistance they received from the different charitable committees before-mentioned, upon every occasion where the natural co-operation of both parties could more effectually promote the object of their respective guardianship, by combining the relief of a numerous and starving peasantry with the execution of works, national, permanent, and conducing to beneficial consequences. To the London committee they stand particularly indebted, not only for their liberal grant in aid of the construction of safety harbours as before-mentioned, but for a subsequent grant of 5,000 *l.*, vested by them in this board, in order (as their resolution expresses it), 'to be strictly and exclusively applied in assisting the poor fishermen on the coast of the distressed districts; and, as far as it possible so to do, in a fair proportion to be applied in the way of loans, repayable so as to become reproductive, and annually applicable in the manner above stated.' The board have consequently taken measures for bringing this fund into operation so as to meet the views of the donors, and the assistance it has already afforded the poor fishermen on the western coasts, even at the early period of its application, justifies the hope of its being attended with considerable benefits, as it becomes more extended in its operation."

"The

"The number of vessels prosecuting the open sea herring fishery this season will be found to exceed the number of those similarly occupied last season. The fish produced in both instances, appears, however, to bear much the same average proportion to the quantity of tonnage engaged; but as the high bounty granted on the tonnage of vessels pursuing this species of fishery, would, in the opinion of the board, admit of reduction, they have, consequently, recommended an amendment, so modifying the present Act, as will, they conceive, cause a material diminution of expense to the public, and lead to more active and successful exertions on the part of the crews thus occupied. In viewing the fisheries of Ireland as a source or nursery for supplying the naval strength of the empire, the commissioners have the satisfaction of submitting to the Government and Legislature the most gratifying representation. By a reference to their last year's report, it will be found, that the number of seamen ascertained to be engaged in the fisheries, and who chiefly, if not entirely, followed that occupation, amounted to upwards of 36,000. By a reference to the appendix annexed to this report, the number will be found to amount to 44,892; being an increase in favour of the present season of more than 8,700 men."

"The Commissioners of the Irish Fisheries, pursuant to the statute of the 59 Geo. 3, c. 109, present to the honourable the Knights, Citizens, and Burgesses, in Parliament assembled, this Fifth Report of their proceedings, for the year ending the 5th of April 1824, being the Fishery of 1823. Before they enter into a detail of the prominent proceedings of the year, the Commissioners have much satisfaction in stating generally, that the fisheries of Ireland still continue to exhibit a steady annual increase, not more observable in the quantity of fish cured, than in the additional number of men to whom they give employment, subsistence, and profit. In prefacing their proceedings with this general statement, the Commissioners beg leave to add their conviction, that were it not for the impulse given to a numerous and wretched coast population, by the bounties granted under the present fishery enactments, the value of the Irish fisheries might have yet remained in obscurity, and the energies of many thousands of the coast population of Ireland have still continued in the same state of inactivity in which the present enactments found them, and from which the bounty system has principally tended to rescue them. The Commissioners conceive there can be no stronger proof of the truth of this assertion than the progressive increase of the number of men annually engaged in the fisheries of this country. The first satisfactory return of this nature which the Commissioners could obtain was for the year ending the 5th of April 1822, when the number so occupied (as will appear by a reference to their report of that year), were 36,192. In the succeeding year this number was increased to 44,892; and in the present year, of which this report treats, there will be found a still further increase, giving a total of 49,448. If we add to these the number of persons to whom the fisheries in other respects give employment in their respective trades of carpenters, ropemakers, salt manufacturers, coopers, importers of pitch, tar, hemp, &c., we shall find them diffusing employment and subsistence in a most extensive and beneficial degree. Such facts, then, coupled with the notorious poverty of the fishermen of Ireland, are conclusive, in the minds of the Commissioners, as to the necessity of continuing those bounties which, for the short time they have been in operation, have done so much towards advancing the fisheries of this country, and rendering them ultimately conducive to objects of obvious national importance. The question, therefore, in their opinion, is not as to whether an annual sum of money, disposed of in bounties, should make a productive pecuniary return; but whether money so bestowed as to relieve poverty, promote industry, increase the general supply of food, and furnish a main supply of naval strength, be not a most politic as well as benevolent application of a portion of the public funds, producing moral and political results greatly paramount to any pecuniary consideration. Of the great capabilities of the Irish fisheries, the members who now compose this board have been long convinced; but the principal impediments which formerly paralyzed those capabilities were, first, the extreme poverty of its coast population; and, secondly, the want of some legislative encouragement in aid of the feeble efforts of pauperism. To remedy these, the statute of the 59th of Geo. 3 was accordingly enacted, granting bounties on the cure of certain fish, and vesting in Commissioners powers to frame regulations for rendering those bounties effective. The bounties so granted have already excited a spirit of industry fully tantamount to every reasonable expectation; salutary regulations have been framed, orderly conduct has been introduced where only lawless violence before existed, and the fisheries (as subsequent parts of this report will prove) have experienced a considerable extension, even on those parts of the coasts where the bounties have not as yet come into operation."

"The Commissioners cannot close the statement of the Galway district without again adverting to that charitable body, the London Committee, through whose munificence a similar fund with that already in operation in the Westport district, has been established for the poor fishermen of the coast of Galway. The benefits likely to be experienced from the operation of this fund may be tolerably well appreciated, when it is stated that in the course of little more than one year nearly 450 boats have been repaired, at an average cost of about 2*l.* 18*s.* 6*d.* per boat; the aid in every instance being given in materials, and not in money."

"From the establishment of loan funds to assist poor fishermen in the repairs of their boats, the Commissioners have to report the most beneficial results. The aid in this case being furnished in materials, and not in money, precludes the possibility of any misapplication of the relief afforded. For the means of carrying such institutions into effect the Commissioners are exclusively indebted to the London Committee, who placed in 1822 a sum of money under their management for the promotion of this object. The details of those institutions are transmitted to the London Committee (now directors of the Irish Loan Fund), in periodical reports, from this Board, and it is with extreme satisfaction the Commissioners have to state, that in the management of such portion of the money as they have been enabled to superintend through the medium of their own officers, the benefits have even exceeded their expecta-

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tions, and have proved so far satisfactory to the donors of the funds as to induce them to transmit to the Board a resolution expressive of their thanks.

"Having now, as they conceive, discharged an indispensable duty in soliciting the consideration of the Government and the Legislature to the expediency of providing by a timely arrangement for the superintendence and final adjustment of the arrears just mentioned, the Commissioners next proceed to present the account of their last year's proceedings.

"The Irish Fishery Loan Fund consists of cash and securities amounting to 17,362*l.* 14*s.* 1*d.* Its objects have been fully set forth by the Commissioners in their report to Parliament for 1826; while a statement in detail of the benefits conferred by it may be found in their subsequent or ninth report, presented last session. When that report was submitted to the Legislature, the Irish Fishery Loan Fund was principally made up of the savings that accumulated under the 66th section of 59 Geo. 3, c. 109, which placed under the management of the Commissioners the annual sum of 5,000*l.* former currency of Ireland, 'to be applied by the Commissioners in the encouragement of the coast fisheries, under such orders, rules, regulations and directions as the said Commissioners shall from time to time think fit to make for that purpose,' &c. &c.

"To these savings were added the annual sum of 500*l.* former currency of Ireland, pursuant to the 9th section of 5 Geo. 4, c. 64, and subsequently a further sum of 4,203*l.* 7*s.* 0*d.* British, being so much as has been collected of the sum of 5,000*l.* British, committed to the management of the Commissioners by the London Tavern Committee, in 1822, and now incorporated, by authority of that body, with the other moneys which constitute the Irish Fishery Loan Fund.

"From the foregoing sources the Commissioners have been enabled to establish a fund which has already conferred important benefits on the poorer maritime districts of Ireland; but as it is formed on the principle of reproduction, it necessarily follows that a large portion of it must consist of securities or promissory notes, which will remain outstanding on the 5th of April 1830, and which will constitute a great portion of the arrears set forth in the commencement of this report.

"From the early part of the year 1827, when the fund first came into operation, up to the 5th of April 1829 (the day to which this report is made up), the gross amount of promissory notes passed by poor fishermen for repairs of their boats, and supplies of fishery apparatus is 11,871*l.* 9*s.* 0*d.* and the gross amount of notes passed for new boats is 2,564*l.* 13*s.* 8*d.*, making altogether the sum of 14,436*l.* 2*s.* 8*d.* of which sum only 3,182*l.* 7*s.* 0*d.* is in arrear, and the remainder has not fallen due.

"Fishery Piers and Quays.—The Commissioners having referred to the engineer their reports which they had procured from their local officers, on the effects produced by the improvements which had been executed on the coast, now annex that officer's report; and they have much satisfaction in particularly calling the attention of the Government to the following extracts from that document: "Houses and villages of an improved class, with schools, public establishments, post office communications, and other proofs of civilization, are progressively appearing in those uncivilized and sequestered districts heretofore only known as safe places for illicit distillation, smuggling, and other unlawful practices.' He further states, 'notwithstanding the unusual heights of tides, concurrent with storms of unprecedented violence during last winter and spring, I have the satisfaction to state that not a single casualty worthy of notice has occurred, either to the finished works, or those in progress.

"The Commissioners in presenting the usual anuual returns which form a part of the Appendix to this Report, think it necessary to remark that although the amount of bounties paid in the Irish fisheries for the last season appears less than the sum paid in any former season, yet the diminution is chiefly attributable to the reduction which has annually taken place in the barrel and tonnage bounties, under the Act of 5 Geo. 4, c. 64. The gradual extension, however, of the fisheries of Ireland for the last seven years will appear obvious by the following statement, showing a regular increase of fishermen engaged therein; year ended 5th of April 1822, 36,159; 1823, 44,892; 1824, 49,448; 1825, 52,482; 1826, 57,805; 1827, 58,044; 1828, 59,321; 1829, 63,421. The increase of each year over the preceding one (according to the foregoing statement) will stand thus, viz.: increase in the year ended the 5th of April 1823, 8,733; 1824, 4,559; 1825, 3,034; 1826, 5,323; 1827, 239; 1828, 1,277; 1829, 4,100: total increase in the last seven years, 27,262.

"That the progressive increase in the coast fishery establishment of Ireland, exhibited by these Returns, and which has been produced by the stimulus given to that important branch of industry since 1820, has been rather under than over-rated, the Commissioners have reason to believe; as well as that the general diffusion of comparative prosperity in the maritime towns is strikingly observable.

"The liberal bounties which were granted by the Acts of the 59 Geo. 3, c. 109, and 1 Geo. 4, c. 82, having been for a considerable time unavailable to a class of persons very generally destitute of capital, the Commissioners were induced to direct their attention for the last three years to the removal of that difficulty by the institution of the loan fund before-mentioned; and whatever may be the variety of opinions on the expediency of a bounty system, there appears to have been a very general concurrence in the approbation of this measure, and it has been acknowledged by some of the Board's officers, who originally doubted its utility, that the best effects, both moral and practical, have followed its institution. The advantages of a good character and of peaceable and industrious habits are practically taught by the regulation, which requires as a preliminary condition of obtaining a loan satisfactory testimonials of those qualifications. Almost the possibility of a direct misapplication of the loan is guarded against by giving boats or materials only, and not money. There is no interference with private trade, the fisherman being permitted to select his own builder, or to take his supply of materials wherever he can procure them on the best terms; and the strongest inducements to punctuality are produced by withholding from those who are defaulters, without good cause, all the benefits of further aid.

"Neither

"Neither are the benefits merely confined to the maritime districts. Several towns or districts in the interior are generally supplied in abundance with cured fish; and although the still large import of Scotch fish may suggest an inference contradictory of the fact of increased domestic production, there are strong reasons for believing that it is caused by the growing taste and demand for fish throughout the country, as well as its having become a substitute in many places for the offal of provisions, of which the quantity is materially diminished since the decrease which has taken place in the provision trade of Ireland.

"At a period when the expediency of continuing or relinquishing the principle of legislative encouragement to the fisheries of Ireland must become a subject for the consideration of the Government, it may be interesting to know that, from the commencement of the Board's operations in 1819 up to the period of this report, the total payments made by or on account of the Irish fisheries were, as follows:—

	£.	s.	d.
Piers and quays - -	22,978	11	4
New boats, repairs of boats, and supplies of fishing gear	16,530	6	10
Fishery bounties - -	150,637	2	8
Salaries and incidents -	55,064	13	–
TOTAL - -	£. 245,210	13	10

"With respect to the first item in the foregoing statement of 22,978 *l.* 11 *s.* 4 *d.*, on account of piers and quays, the Commissioners beg to remark that no less a sum than 11,313 *l.* 3 *s.* 6 *d.* of this amount has been defrayed by contributions from charitable committees and from private sources; the remaining portion of the expenditure having been granted from the money committed to the management of the Commissioners pursuant to the 66th section of the 59 Geo. 3, c. 109.

"And with regard to the second item of the foregoing statement of 16,530 *l.* 6 *s.* 10 *d.*, for assistance rendered to poor fishermen in aid of building and repairing their boats, the Commissioners beg to observe that although actual payments have been made to the extent of the sum before stated, yet a large proportion of it is repayable."

EXTRACT from REPORT from the Irish Fishery Board to Thomas Lack, Esq., dated 6th March 1824.

"In this conviction they feel fortified when they view on the one hand the wretched general state of the labouring poor, without any visible means of support, and the peace of the country scarcely maintained by an Insurrection Act and a large military force; and, on the other hand, have demonstrative proof, from the tranquil state of the coast population, that the persons employed in the fisheries have escaped the present contagion, and are not in any instance added to the catalogue of the disaffected.

"Under these impressions the Board proceed to offer their opinion on the two points conveyed in your letter, the first of which is, 'That their Lordships are of opinion that the bounties granted in favour of the fisheries may with great propriety be gradually reduced and finally extinguished, and that it is their Lordships' intention to propose to Parliament during the present Session a Bill to that effect.'

"In considering this part of the subject, the Board fully concur in the principles which it contains. They never could expect that the bounty system now established should be permanent; on the contrary, they subscribe to the opinion that the bounties should be in due course gradually reduced and finally extinguished. The Commissioners have already recognised the former principle, by recommending certain reductions in the herring tonnage bounty, which they distinctly proposed to Government in the shape of amendments to the Act, during the last Session, but which were not submitted to Parliament. The questions, therefore, for their consideration are, how far the time has arrived when any further reduction of the tonnage bounty would be advisable than that already proposed by them in the amended Bill alluded to, and whether any reduction whatever in the production bounties could be attempted without serious injury to the fisheries; and on these points they would, as the guardians of the fisheries of Ireland, decidedly state to their Lordships, in the most unqualified manner that any proposition submitted to Parliament in the present Session for a further reduction than that already recommended would be a measure ruinous to that now promising source of wealth and industry in this over-peopled and poor country."

EXTRACT from LETTER dated 14th January, 1830, from the Commissioners of the Irish Fisheries to Lord Francis Leveson Gower, Chief Secretary to the Lord Lieutenant of Ireland.

"The second object to which we beg leave to call your attention is the wisdom of continuing the Fishery Loan Fund. We can assure your Lordship that the operations of this fund have been productive of the greatest advantages among the poor classes of fishermen. Through its means they have been supplied, not in any instance with money, but with all the materials necessary for the repairs of their boats, and with everything requisite for enabling them to follow the trade of fishing, viz., hooks, lines, nets, yarn, ropes, hemp, oars, paint, pitch, tar, resin, oakum, nails, cork, timbers, plank, spars, sailcloth, salt, and barrels. Through the same fund aid has been given for the building of new boats, so that every description of fisherman, great or small, is now receiving from it every assistance they require. The account annexed to this letter will show the total amount of the promissory notes which have been passed by the fishermen in exchange for the materials supplied to them; the repayments made in discharge of those notes; the notes due and not yet due; and the amount of money now lying in the Bank of Ireland, applicable to the working of this fund, to which an annual augmentation has been hitherto made, under the last-mentioned Act, of 500 *l.* Irish currency, which is equal to 461 *l.* 10 *s.* 9 *d.* in British money. The Legislature appears, by the Act of the last Session as before recited, to contemplate the continuance of this fund after the 5th April 1830; and we are sanguine enough to hope that the advantages which it has distributed have greatly contributed to promote industrious and peaceable habits among the maritime population of our country."

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"Loan Funds."

General Conclusions drawn by Messrs. Townsend and Barry from the information received through the medium of Evidence and the Answers to the Printed Queries, as well as from their personal Observations on their tour of Inquiry.

"That the resource derived from the Loan Fund of the late Fishery Board was, in most instances, admitted to have been extremely beneficial to the fishing classes. That wherever a reasonable degree of caution was exercised in the administration of the fund, and of diligence in its final collection, the smallness of the loss was most extraordinary, as in the cases of Dingle, Glandore, and Baltimore, where, out of a sum of 2,022 *l.* 17 *s.* 9 *d.* due at the period of the extinction of the late system of encouragement, 1,870 *l.* –*s.* 1 *d.* was within the following year repaid to the Department under whose management it was collected. That it is very generally considered that the system under which the fund was managed, both as to the periods for which the loans were made and the mode of making them, was extremely defective and objectionable. That the beneficial effects of a judicious system of general loans to the poorer classes in Ireland have been most incontrovertibly established, and may be particularly illustrated by a reference to the City of Cork Charitable Loan Society, whose losses upon advances of 38,520 *l.* to 12,840 families have amounted, in six years, only to 8 *l.* 17 *s.*: also by reference to the Gorey Loan Fund, county Wexford, and the Courtmasherry and Lislee Loan Funds, in the county Cork, in each of which places a considerably increased capital could be worked. That the difficulty of obtaining proper encouragement in remote districts, is the most serious obstacle to the advantageous establishment of loan institutions, and that local co-operation and local contributions towards the expenses of management are so desirable to ensure the successful workings of such institutions as to render it prudent to make them indispensable conditions to aiding the formation of such funds. That the operative fisherman could well afford to pay for the accommodation afforded to him by small loans, a consideration so far exceeding the ordinary rate of interest at which money may be procured by the Government as to form a fund in aid of local contributions, sufficient to cover losses and the expenses of management. That it is not reasonable to expect from the Government more than co-operation in providing the funds, and in exercising a salutary general control over their administration. That it is desirable, if only for the purpose of ensuring judicious and honest management, either to require security for the reproductiveness of the fund from the intermediate sources of its administration, or in cases where that may not be possible, to devise some other means to guard against mismanagement or misappropriation by irresponsible persons. That the advantages of these establishments would be materially increased by rendering them depositories for the small savings of the industrious classes, and that each establishment may, by being furnished with the forms and models for the institution of a benefit society, a sick and widows' fund, or boat insurance society, become a nucleus for producing industrious, moral, and provident habits, and for improving the condition of the coast population generally. (Signed) *H. Townsend. J. R. Barry.*"

Mr. Martin Raphael Hart, called in; and Examined.

Mr. M. R. Hart.

4139. *Chairman.*] You are from Clifden, in the county of Galway?—Yes.

4140. You have been Vice Chairman of the Board of Guardians there?—Yes, for 15 or 16 years.

4141. You were engaged on the fisheries on that part of the coast?—Yes.

4142. How many boats had you?—I had not many boats of my own, but I used to charter boats. About 1822 I commenced operations in the fishing trade, and was extensively engaged in the buying of fish, and in various ways. In those days they used to fish in the herring fishery in open four-oared boats, with about four or five men in each boat; the boats were only of the value of 8 *l.* or 10 *l.* each, and all the gear was about of an equal value.

4143. What is the description of fishery which is now carried on upon that coast?—Herring fishing by nets was the chief and the paramount fishing, which gave employment to almost all classes of people; men, women, and boys. Lobster fishing is the only fishing now carried on profitably.

4144. Was there at any period any hook-line fishing going on?—A good deal of hook-line fishing was carried on at times, and spillard fishing also.

4145. Does any trawling go on?—None, at present; there was trawling at one time.

4146. You know the coast there pretty well?—Yes.

4147. Do you know the coast from Mason Island to Ruana Point?—Yes.

4148. The coast-guard officer's return for 1865 states, that there are 379 vessels employed, and 1,393 men employed, being an increase over 1864 of 204 vessels and 1,121 men; is it possible that there can have been so great an increase?—It is not possible; that statement might refer to the years 1823 or 1824.

4149. He mentions it for the year 1865 as compared with 1864, and he states that there is an increase of 1,121 men and 204 vessels upon that part of the coast?—There is not a vessel at all upon that part of the coast at present fishing.

4150. How many sail of boats are there in that district?—Not 20.

4151. It is not distinguished here what the causes were; but do you think that in the year 1865 there were 379 boats of all descriptions, and 1,393 men?—No.

4152. In the report for 1866 it is stated, that in that district there are 458 boats of all descriptions, and 2,054 men employed, and that there is an increase of 79 vessels since 1865, and 661 men; that would imply a very flourishing state of the fisheries in the two years?—There is no such fishery going on at present.

4153. The report of the coast guard officer, in

in 1865, with regard to Clifden is that there is "no improvement in boats or gear, and no prospect of it. Emigration does not prevail so much as in former years; no regular fishermen;" and in the face of that statement he reports an increase of 1,121 men and 204 boats?—That is not the case.

4154. And since last year could there have been an increase of 661 men?—Quite the contrary.

4155. Is it your opinion that the fisheries are in a declining condition?—I have no doubt that the fish are there still, and probably the fish now are as numerous as they were when I was engaged in the fisheries, with the exception of herrings alone.

4156. The fish are as plentiful, but have the number of the boats and men gone down or not?—Both have, as regards one class of herrings, namely, what we call the winter herrings, I cannot say whether they are there or not, inasmuch as we have no boats and gear for them; they were a great source of relief to the country, and they gave employment not alone to the poor, but to the wealthy, who were employed in buying, curing, and sending them to other parts of the country. In fact, it would be worthy of your consideration if I mentioned what the benefit of those fisheries was at the time when they were properly fished.

4157. Are they now properly fished?—No; they cannot be properly fished.

4158. At what time were they properly fished?—From 1836 to 1840: since the year 1846 we have had very little fish of that class at all.

4159. Why not?—The people had to pawn their nets, or to leave them to rot because the famine set in, and after that they were not able to recover themselves.

4160. The fishing population has considerably gone down?—They were in great distress in those years of famine, and those who were able to emigrate left the country. Thus from the fact of the people having left the country, and from the fact of their having sold or pawned, or even allowed to rot, the nets and fishing gear, they have not ever since been able to recover themselves.

4161. Has the fishing population there gone down considerably?—Yes.

4162. If those people were placed in a position to resume their fishing avocations, are there many of them who would go back to them?—Certainly, a large number.

4163. Are there persons there now who would go security for them for gear and boats?—I cannot say what the people would do, but what I would suggest would be this: the boats and gear are not expensive; the boats with which they fish would be of the value of about 8 *l.* to 10 *l.* each. The gear in former days was not so expensive as it would be now, because it was plentiful, and the men sowed their own flax seeds; they had a source of employment for the year round, and the men, women, and boys worked at it; it was made by the women into thread, and made by the boys into nets, and prepared for the fishing; consequently they had it cheaper than they could now have it by buying it, and it gave such general employment that the house of every countryman along the coast was a house of bustle almost through the year round.

4164. To sum up your evidence, the fish are as plentiful as ever along the coast, but the people are not in a position to capture them to the extent to which they might be captured, owing to their poverty and their want of appliances?—They are not in a position to catch them; the only fish which they now take extensively are lobsters; and the sum that would do for lobster fishing would not exceed from 10 *s.* to 1 *l.*, consequently there is very little difficulty in setting out a boat for that fishery.

4165. But the herring and the mackerel fishery might be prosecuted extensively?—The herring fishery and the mackerel fishery, and the gurnet fishery and the pollock fishery, might be extensively carried on, and from my earliest days I believe there has not been so much fish as there has been recently.

4166. Would you be in favour of loans to assist the fishermen?—Most decidedly.

4167. Do you believe that they would be paid back again?—Decidedly.

4168. Colonel *Vandeleur.*] Do many strangers visit your coast at Clifden?—Not now; the Skerries men used to visit our coast at the time when we formerly fished it.

4169. Was that in pursuit of herrings?—In pursuit of herrings chiefly, and white fish also; namely, what we call cod and ling.

4170. Have herrings visited that coast lately?—At the present moment there is a class of herrings called harvest herrings, and they are very plentiful now, but there are not the appliances to take them.

4171. How far out do they go?—They are caught in the harbours and estuaries. The large herrings were previously taken from the extreme end of the bays to about 10 miles to sea, but they were generally taken at about four to six miles to sea. It was usual with fishermen in those days to load their boats with 6,000 to 8,000 in each boat, and very frequently to take that load ashore, and to return for another load.

4172. That was in the good old times?—In the good old times.

4173. Did they cure those fish, or sell them fresh?—In those days there were purchasers of all classes. There were men who engaged vessels and sent them off to other ports; I was one of those parties. There were men who took stores for salting; I was one of those parties. There were men who were cadgers, and who took the fish to the interior in carts.

4174. Is much sea-weed cut for sale in your locality?—Considerable quantities.

4175. Are there many boats used for that purpose?—There are some boats.

4176. Do you conceive that the discrepancy which exists between the coast-guard return and what you state is accounted for by the boats which are used in the collection of sea-weed; there are no canoes, I think?—Not in my part, but they are in the lower part of the county of Mayo; it may to some extent account for the discrepancy.

4177. Do you know the coast-guard district?—I do; I have been receiver of droits in that district for many years.

4178. In the coast-guard district, at present, do you conceive that there are 458 boats of all sorts?—I did not understand the Chairman to include row boats; there may be that number with row boats and everything of that kind.

4179. There are a great many of private per-

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sons who make a trade of collecting sea-weed?—Yes.

4180. And it is a very profitable trade?—Yes.

4181. Do you think that 204 boats were added to the number in that district within the year 1865?—I should scarcely think so; but I should be sorry to contradict any person who stated it.

4182. Do you consider that in the last two years 283 boats and 1,782 men can have been added in that district?—I should not like to offer an opinion against a man who probably has a record of it, but I should not think that there can have been. With respect to the seaweed, I perhaps have been the person most extensively engaged in that district since 1852. I have been carrying on the kelp trade.

4183. Has the kelp trade much increased in that country?—No, it has been carried on with the same prospects for the last five or six years.

4184. Is much of it sent up to the Sea Salts Company?—Yes, when manufactured.

4185. Does it come through you?—I have been much engaged in it; there are others also.

4186. Was there not a very large fishing village at Claggan?—Yes.

4187. There are, I believe, very few of those people remaining?—There are some remaining, but a great many of them have disappeared.

4188. During the famine did the people prosecute their fishing as before?—Not to the same extent since the year 1832. In that year cholera was very prevalent in the country, and many of the people were rendered unable to fish; many of them died, and fish was not looked upon as a wholesome food at that time. From that year forth the fishing was not prosecuted to the same extent, but it was prosecuted very extensively, notwithstanding, up to the year 1846.

4189. If loans were now given, would there be a market open for fish; would there be a market open for a class of men exclusively engaged in fishing?—We never had men exclusively engaged in fishing; they always had a portion of land upon which they laboured during the season of the year when fishing was not prosecuted; but I believe that the fish would have a fair market still. If I were allowed to offer a suggestion in that way, I would recommend stores being erected along the coast at proper distances apart, with fishing gear in those stores, and also stores for curing fish. I recollect when the fishermen used to take large quantities of fish, perhaps 10*l.* worth, in one night, the next night a man might lose all his gear, he then would have no alternative but to pull up his boat and to remain idle, whereas if a store had been convenient where he could buy gear, he could have gone on and have prosecuted the fishing as well as his neighbours; that was an everyday occurrence, when fishing was extensively cultivated.

4190. If you were purchasing fish, would you not keep fishing gear on your own account?—I do not think that it would answer the purpose of any trader to do so now.

4191. Why not, if there was a demand for it?—At present there is scarcely a demand for anything, inasmuch as there is no encouragement. I mean to say that if encouragement was given, that would be one of the objects.

4192. What do you mean by encouragement?—I mean if the fishermen were to get small loans, such as would buy boats and gear; that is what I call encouragement.

4193. You stated that the people had money to buy the gear, but that they had no store to go to?—Pardon me; I do not think that I stated that.

4194. I understood you to say that when they got ashore, they had no place to buy gear of any sort?—Yes, it was the case in those days, but at present they are not in a condition to purchase, even if to be had. In those days it was not at all an extraordinary thing for a fisherman to have 50*l.* laid up after the fishing season. The average was from 20*l.* to 30*l.*, but in some instances they went as high as 40*l.* to 50*l.* for the season.

4195. Sir *John Gray.*] How did they dispose of the fish at that time?—The merchants purchased them and sent them to market in small vessels.

4196. Where did the merchants reside?—On the coast.

4197. In what parts?—In Clifden principally; the chief buyers were in Westport and Galway; the Clifden buyers sent the fish in vessels to Westport and Galway.

4198. The three places for purchase were Clifden, Westport, and Galway?—Those were the three places where they bought chiefly; but the purchasers went along the coast, and had their craft ready to take the fish wherever it was caught; they shipped it there, and sent it off to market. We had stores along the coast, and some persons bought the fish and salted and cured them. Other persons took them in carts, and carried them into the interior of the country.

4199. Those were fresh fish?—Yes.

4200. Where were the curing stations at that time?—Clifden, Roundstone, Claggan, Ballinakill and Renvyle were the principal places; there were also small stores along the coast.

4201. Where were the small stores?—There was a small store at Aughrismore and another at Bunowen.

4202. Where else were the small stores?—At Turbot Island, and of course at Boffin Island.

4203. Have you seen those stores yourself?—Yes.

4204. You live in Clifden, I believe?—Yes.

4205. Is there a store at Clifden at present?—There are stores, but not in use.

4206. Are there any curing houses in operation at present?—None whatever.

4207. There was a curing house, but there is none now?—There is none in any of those places.

4208. To whom did that curing house in Clifden belong?—There were a good many.

4209. How many were there; were there three or four?—At least.

4210. But there is not one now?—No.

4211. At Roundstone there were three or four, but there is not one now?—Just so.

4212. At Claggan there were three or four, but there is not one now?—That is the case.

4213. At Bofin is there any store?—At Bofin there were stores recently; the only fishing stores now are in Bofin.

4214. Then, out of these nine places there is only one now curing fish?—Yes.

4215. And Bofin is several miles from the land?—Yes.

4216. Are there any fish now brought into these districts?—Yes; there are some fish taken by hauling nets.

4217. Those are draught nets?—Yes.

4218. What

4218. What becomes of those fish now?—They bring them to market and sell them. Every man brings his own portion to his own house and salts them. I do not call them curing houses.

4219. Does he salt them for his own use?—No; he afterwards sends them to market.

4220. Then there is a sort of curing system in progress upon a small scale?—Not in curing-houses, but in their own little houses where they live.

4221. How do they dispose of those fish?—They bring them to Clifden market, or dispose of them in Westport.

4222. Do they bring them salted?—Yes.

4223. How do they bring them?—They bring them in carts, or in row-boats; they pile them in row-boats.

4224. You have said that you do not think that there are so many boats in that district now as there were; do you know what number of boats there were in the district named by the Chairman awhile ago; say, in the year 1836, when the fisheries were active?—I could not exactly say, but I should say that there were something between 2,500 and 3,000; I would not, however, give it with anything like accuracy.

4225. Do you know the district referred to by the coast guard officer, which extends, I think, for nearly 100 miles?—Yes; it was my district when I was receiver of droits.

4226. Then you would say that there were at one time something like 2,000 boats?—Yes.

4227. Is there as good an opening now for fishing as there was at that period as regards the quantity of fish to be caught in the sea; is there as good an opportunity of catching fish now as there was then?—Yes, with the exception that there are not the same number of men or anything like the same number of boats or the same appliances of any kind.

4228. Have you had any conversation with the fishermen recently as to the fishing there?—From time to time I do converse with them.

4229. What impression has been left on your mind from your communications with the persons along that district, namely, the fishermen and the smaller merchants who communicate with you: what impression is left on your mind as to the quantity of fish now available for capture, but for the capture of which there is no machinery available?—The impression on my mind is that the fish are as plentiful now as they were in those days; that is to say, mackerel, gurnet, pollock, and various other kinds of fish.

4230. I believe that very little trawling is done about there?—None at present. As to the cod fishing, what we called in old days white fishing, I cannot say what is the state of it, inasmuch as we do not fish it; but what they called the fishing ground runs from Arran Island to Achill Island, and, it is supposed, with plenty of fish on it.

4231. Was it a profitable fishing in those days?—Yes.

4232. Why has it been given up?—The cause which I have previously given is one of the reasons, but there were other encouragements which I think were more useful still; there was a drawback upon salt, and there was a bounty upon fish, both upon barrel fish and upon white fish,—these have been taken off; the encouragement of them indirectly was very great, because it brought competition into the market.

4233. There was a drawback upon salt, but has not the duty itself been absolutely repealed since?—Yes.

4234. That is better than a drawback?—Yes, I believe that it is equal to it, at all events.

4235. Why were these curing-houses given up; was it from the want of fish?—It was from the want of fish, there being no means of catching it.

4236. When were they given up?—They have not been used since the year 1846.

4237. There was a sudden collapse in 1846, as the result of the famine?—Yes; and the fisheries have not been revived since.

4238. And a diminution in the quantity of fish has partially followed since?—Yes, more than partially.

4239. Mr. *Kavanagh.*] You do not see any trawling boats used, do you?—Not now.

4240. Did you ever do so?—I owned boats, but I did not trawl; I saw trawling going on.

4241. Are you of opinion that unlimited trawling is injurious?—My impression is, that unlimited trawling would be injurious, but I do not think that trawling such as I have seen would cause much injury. I have been where trawling was carried on and though on one day everything was disturbed at the bottom, it was a fact that where a boat trawled on one day and perhaps took a nice lot of fish, on coming the next day upon that ground, it took considerably more. The reason which we assign for that is simply, that all the dirt on the bottom was disturbed and turned up, and consequently the fish got their food more plentifully.

4242. Do you think that trawling destroys any spawn?—I do not think that it does unless it is the spawn of the flat fish itself.

4243. In what sort of ground, and in what depth of water, do you think the flat fish spawn?—I do not like to offer an opinion of my own, but I think that the general feeling is, that they spawn in shallow water, and my own impression is, that more spawn is destroyed by a heavy sea and a heavy gale than by trawling. I have known oyster beds to be destroyed by it, where there is running sand, and when a storm comes, it hurls up the sand upon the oyster beds (I have seen it) and destroys them. My impression is, that it does the same where the flat fish spawn, being on running sand chiefly.

4244. Then do you think that fish spawn in such shallow water, that a storm would be able to affect them?—The general opinion is, that they spawn in shallow water, but I would not, from my own experience, offer an opinion on the point.

4245. You have said that you think that trawling, altogether unlimited, would do harm. If it does not spoil the spawn, what harm would it do?—That is in the shallow water; I do not think that it could do any harm in deep water.

4246. Where would you draw the line?—I should say, perhaps, in six to 10 fathoms. I think that anything beyond 10 fathoms would be very little injured.

4247. Would you think that five fathoms would be too shoal a line?—I do not profess to be experienced in that subject, and therefore I would not put my own views in opposition to those of men of more experience in that fishing.

4248. Do you think that fish now spawn in a sort of ground upon which a trawl can go; do

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you think that they spawn on that sandy muddy ground?—Some persons say that they spawn on a gravelly bottom, where the spawn adheres to the gravel bottom. I do not profess to know it myself, but that is an opinion which is current.

4249. You have no large boats in your district, namely, Clifden, have you?—The largest boats which we have are from 12 to 15 tons; not for fishing, but for trading.

4250. Do they ever go on the outer banks?—Do you mean the sun fish banks, because that fish has also been a great trade with us.

4251. Did you kill many of them?—Yes, it was a profitable fishing with us.

4252. Is it carried on now to the same extent as previously?—Very little now done in it.

4253. Do you think that that is a fishery which would be again taken up, if encouragement was given?—I do not think that it would be worth while to set boats afloat for that express fishing alone.

4254. I thought that you said that it was a very profitable fishing?—It was profitable some years ago; a boat and crew went out, and if they caught a sun fish or two, or three, as the case might be, they valued them at from 30*l.* to 60*l.* each; they averaged from four to six barrels of oil; oil was very precious in those days.

4255. Were they plentiful, so that the men would be likely to catch one or two in a day, or how was it?—It would be good fishing to catch one in a day; they had a peculiar kind of spear.

4256. What sort of spear was it?—It was a very curiously constructed thing; there was a blade of about nine inches in length, with a socket of equal length; there was an iron shaft put into the centre, and it turned upon an iron pivot; the shaft lay into the socket when going to sea, and at the end of that iron shaft, say about six feet long, was another socket, into which was inserted a long wooden handle, something like the pole of a small boat; there was attached to that iron spear a small hawser, of 70 or 80 fathoms; when a sun fish appeared, the spearsman stood in the after-part of his boat; the boat sailed alongside this large fish, and the man who was called a spearsman ran a spear with full force into the side of the fish, and there was just a common gad, which kept the shaft into the socket, and when the vessel came upon the fish it was driven through the fish's side, and instead of going straight it crossed in the inside; the fish then went off, and they gave it line, and if the place was sufficiently shallow, and if the fish got down to the bottom, its force against that stunned it very much.

4257. I suppose that they never caught more than about one a day?—No.

4258. That was of the value of about 30*l.*?—From 30*l.* to 60*l.*, according to the size of it.

4259. You think that it would not be worth while to have boats to undertake that fishery again?—No, because those fish do not appear so numerously as they did at that time; that is why I say that it would not be worth while to fit out boats on that account alone, but that is a very different thing from the other fishing.

Friday, 28th June 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. Bonham-Carter.
Mr. George Clive.
Mr. Cooper.
Lord Dunkellin.
Lord Claud John Hamilton.
Mr. Herbert.
Mr. Shaw Lefevre.
Mr. Maguire.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

Mr. JAMES REDMOND BARRY, called in; and further Examined.

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4260. *Chairman.*] THE Act to regulate the Irish Fisheries, namely, the 5 & 6 Vict. c. 106, commonly called the Act of 1842, may be considered as the Act under which your Board carry on the government and inspection of the fisheries?—Yes; with some trifling alterations in some of the subsequent Acts, which alterations are not very important, but are merely strengthening, settling the powers, or explaining.

4261. There are 115 sections in the Act, are there not?—Yes.

4262. I will only ask you upon one of the sections of the Act, namely, the 91st section, which enacts, "That it shall be lawful for the said Commissioners, from time to time, as may become necessary, to make and ordain such bye-laws, rules, orders, and regulations (in addition to those herein specifically required to be made) as to them the said Commissioners shall seem expedient for the more effectual government, management, protection, and improvement of the fisheries of Ireland," and so on; that is the Act which empowered you to make regulations with regard to the various modes of fishing, and any restrictions which you might deem expedient to put upon particular modes of fishing?—Yes.

4263. In a former part of your evidence, you stated that you considered that this Act of 1842 did not give sufficient powers for the proper encouragement and carrying out of the fisheries?—I could not have conveyed what I felt upon the subject. The powers seem to be ample, but the means of carrying out those powers are quite insufficient. What we have always experienced has been a want of means.

2464. Do you mean a want of pecuniary means?—A want of pecuniary means.

4265. Those were not at all furnished to you?—No.

4266. The greater portion of your powers, I believe, are embodied in this Act, in the 91st section?—Generally there are but very few other sections in that important Act referring at all to the sea fisheries. It seems to have been more designed to regulate the salmon fisheries.

4267. In one of your answers to the queries of the Royal Commissioners, you state that the First Annual Report of the Commissioners, published in 1843, defines very clearly the nature of the policy to be pursued by the Commissioners in conformity with the Act of 1842, and you then say that that policy was come to after conference by the Commissioners, and that the course which they pursued was a course which was dissented from by yourself particularly?—Yes.

4268. You are then asked this question, "You were at that time then inclined to have adopted some more active interference?" to which you reply in the affirmative?—I was.

4269. The next question is, "They have put forward here, under four heads, the great principles of their policy. The first of the statements, or rather principles, which they lay down is, 'That the greatest caution should be used in applying restrictions on any mode of fishing in so vast a field as the open sea, and that it should only be done on very certain grounds;'" you are asked, "Do you object to that?" and you answer, "Certainly not"?—Yes.

4270. The next question is, "The second article is, 'That the extent to which the trawls and trammels are used prove that they are productive and profitable modes of fishing, and consequently should meet with encouragement on public grounds.'" You were then asked, "What do you think about that article?" and your answer is, "Under qualifications." In what particular did you dissent from the Commissioners?—The question was so long a one, that I can hardly bear it in mind.

4271. I will read your next answer; you were asked, "How far would you qualify that as the result of your own experience?" and your answer was, "There being several localities where proofs were given of injury done by trawl nets." That involves the subject of trawling, which we will now go into?—Yes.

4272. The first power which the Board exercised shortly after the passing of the Act of 1842, was to impose restrictions on trawling in certain bays?—Yes, in Dublin Bay.

4273. Dublin Bay was where you first commenced the restrictions?—That was the first bye-law made against trawling.

4274. From the time when you began to impose restrictions up to the present period, I believe

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lieve that you have placed prohibitions on about 13 bays and estuaries in Ireland?—I should think so; it runs upon the eastern coast principally.

4275. With very few exceptions, restrictions have been imposed upon almost every bay and estuary, I believe, where trawling could be well carried on; there were few exceptions where you did not impose restrictions?—They have been generally imposed.

4276. The principle which your Board pursued was one of entire non-interference, unless when called upon?—Unless when called upon.

4277. So that in fact, if you were aware that trawling was acting injuriously in a bay or estuary, you would not consider yourselves called upon to interfere unless you were asked by the locality?—Never; we never have done so; we were always extremely slow in exercising the powers of restriction, and it may be found that there very often passed a considerable interval, and very many solicitations before we did act; and a great deal of deliberation before we resolved upon a restriction, and a good deal of discussion exclusive of the public meeting in the locality.

4278. The Act of 1842 did not impose upon you the necessity of holding an investigation before you imposed restrictions, did it?—Not in reference to the bye-laws.

4279. But under the Act of 1842, you might upon your own mere motion, if you thought proper, impose restrictions upon trawling?—Yes; but in no single instance have we done so.

4280. Then you did not go upon any fixed principle in imposing restrictions upon bays or estuaries?—No; it was according to the circumstances of the locality, and the general opinion extracted from the most intelligent witnesses.

4281. In due course, after an application was made to you, you held an investigation upon the spot?—Yes.

4282. And you heard the evidence on both sides?—Yes, upon oath.

4283. Upon what principle did you come to your decision, having heard the evidence?—The decision was, generally speaking, adopted upon the weight of the evidence on both sides; upon the preponderance of the opinions of the most intelligent persons, whether trawling was to be encouraged, or to be restrained.

4284. Was the principle upon which you usually come to your decision that, in a consuming and commercial point of view, trawling was injurious, or that it interfered with other modes of fishing?—Both motives no doubt operated; we felt the importance of trawling on the one hand, as a most productive means of supplying the market, and on the other hand we felt that we were bound to restrain it, in cases where it was proved or generally believed to have done mischief.

4285. Taking only a consumer's view of the matter, and that you found more fish would be taken by trawling, and that without injury to spawning, in a bay or estuary, but that it would interfere with the long line fishermen, would you, in such a case, have felt yourselves bound to prohibit it?—I think that we generally did not.

4286. Did you do so in some instances upon that principle?—I do not recollect that we did in many cases.

4287. Generally speaking, was it proved to your satisfaction that trawling within bays and estuaries was injurious to the spawn, and to the small fry?—There never was a bye-law enacted without a conviction to that effect in some degree.

4288. That was generally the principle upon which you acted?—That was generally the opinion. It was not at the meeting that any decision was made; there was considerable deliberation. Notes of the meeting were taken by the shorthand writer, and supplied to the Board, and they were deliberately read afterwards and discussed at the Board, and there have been many meetings of the Board, and we have been subjected to charges of delay, because of our unwillingness to come to a decision without very serious consideration.

4289. Generally speaking, was your motive in preventing trawling in order to preserve the spawn and small fry from injury by trawling?—That has been one of the reasons; also the injury done to other nets, and also the interference with another productive mode of fishing has operated, and the injury done to long lines, by destroying them, has been a strong motive. If I remember rightly, one of the strongest motives which influenced the Board in making their very first bye-law for Dublin Bay, was the proof given by the line fishermen of the injuries which had been committed upon their gear and nets. There was a cry for some regulation, and it was long before the passing of the Act, and might itself have been taken as one of the reasons for the urgent passing of an Act giving the proper remedy for the grievance; but there was no quarter where they cried out more loudly than in Dublin Bay.

4290. At one period you totally prohibited trawling in the estuary of Waterford Harbour?—Yes.

4291. You subsequently allowed five ton trawlers to trawl there?—Yes.

4292. If injury was likely to be done to the spawn of fish by a trawler, was not it more likely to be done by a small trawler than by a large trawler?—We thought not; and there never was a bye-law passed by the Board which was more deliberately considered than that, nor in which there was a more perfect concurrence in the opinions of those who sought for the abrogation of the regulation as regarded small boats and large trawlers. The large trawlers upon that occasion said, "We do not want to go up far into Waterford Harbour," and the small trawlers said, "We can do little mischief." We were influenced by another very important consideration; viewing the regulations contained in the Act for confirming the convention with France, we saw that vast importance was attributed to the weight of the gear used. There was a maximum limit to the weight of the trawl irons, which limit, in Ireland, was generally far exceeded, while the trawl irons of the small boats were very light indeed, not half the maximum fixed by the French. We thought that the injury done, in a good measure, must have been considered to be proportioned to the weight of the materials used; that was an ingredient. But I think that we were even more influenced by the perfect unanimity which prevailed on the last occasion, when a respectable gentleman was present as a witness, being himself an extensive trawler, and who declared his belief that no injury could be done by trawling. That gentleman was a Mr. Pierce Cox. It appears to have been rather

rather an anomalous fact that we should have permitted small boats to go far up where large boats were not allowed to go; and we have, therefore, in obedience to the order of the Committee, prepared in detail the whole of the evidence taken upon those several occasions. Here is also a report which was made, and upon which, finally, I think the bye-law at Waterford Harbour was passed. It is the joint report of Mr. Ffennell and myself. (*The Witness delivered in the document*, vide *Appendix*.)

4293. Has it not occurred that in half a dozen places where you have imposed restrictions upon trawling, you have been subsequently called upon to remove those restrictions?—We have, decidedly.

4294. I hold in my hand a paper which you have very carefully prepared for the Committee, with respect to your investigations in Belfast Lough and Lough Swilly; you were called upon there to repeal the regulations?—Yes.

4295. The long line fishermen there joined with trawl men in acquiescing in the non-necessity of those restrictions?—Yes.

4296. I believed that you have not removed those restrictions?—We have practically done nothing in making changes, I may almost say since the appointment of the Royal Commission.

4297. The long line fishermen in both those important estuaries coincide with the trawlers in asking you to repeal those bye-laws, with a very few important exceptions?—They do generally, but still admitting the necessity of a close time. (*The Witness delivered in the Paper*, vide *Appendix*.)

4298. I believe that you imposed restrictions for 10 years in Dingle Bay?—Yes.

4299. Those restrictions have been removed?—Yes; before the issuing of the Royal Commissioners' Report.

4300. I believe that the removal of those restrictions has not been attended with any evil consequences to the fishery?—There are various opinions upon the subject; several persons in Dingle Bay are still desirous not for a bye-law in reference to place, but for a close time.

4301. After you had continued your restrictions for a long time in Dundalk Bay, were not you called upon to remove those restrictions?—We have been called upon to remove the restrictions; we have held, I think, two meetings upon the subject, and we should have been disposed in some degree to have acquiesced in the wishes of those who sought for a removal of the restrictions partially; but they themselves finding that the removal of those restrictions would not be confined to the locality itself, but that the fishermen of Dublin Bay and other places could then trawl without restraint in their bay, preferred leaving things as they were, admitting that those heavy vessels coming in would trawl out their bay at once.

4302. Have you in any other instance where you have imposed restrictions, been called upon to remove them?—In Lough Swilly, where we held a meeting.

4303. Was not there an application to you from the Bay of Donegal?—There was; and we made a demonstration towards a meeting, but we found nobody to attend it; a bye-law for the bay of Donegal was passed after four meetings in different parts of the locality; we called one meeting for Donegal as a central place; it was there stated by one or two gentlemen who attended us, that as meetings were held in other places, and as the bye-law extended to a considerable district, we should also hold meetings in all those other places; and that they would make immediate requisitions for those meetings; that never was since done; in truth, there has been a sort of suspension of all operations, supposing that there would be some changes in the law.

4304. I believe that you were also very recently called upon to remove the restrictions in Dublin Bay?—Not formally; but there has been an anxious disposition in that direction. In fact, ever since the issuing of the Report of the Royal Commissioners, a tone has been given to the feeling of those persons who were formerly favourable to trawling, and they believe that there must necessarily be free trade. I think that there would have been many applications if they had not believed that we had foreborne from acting until some new measure was resolved upon.

4305. Have you yourself ever made any personal investigation into trawling in bays by going out in a trawler?—No.

4306. Then all your knowledge is derived from the information of others?—It is derived from the information which I have obtained at several meetings (and there have been a great many of them for a good many years back), and from comparing the evidence of different parties, and from weighing the evidence of a variety of unprejudiced parties whom we have been able to find as witnesses, and who have generally appeared to have been the most deserving of attention, the coast guard most especially.

4307. Is there not a large amount of fish which spawn out in deep water, so far as you have heard?—That is quite beyond my ken.

4308. Is not there some of the evidence which was given before you, and which is contained in this book, from experienced fishermen, saying that they have met with fish very large in spawn indeed going out, as they have supposed, to spawn in the deep water?—Yes.

4309. Do you think that a certain amount of fish spawn in the shallow water?—Some of them, it is said, do so.

4310. In the course of your inquiries, have you been able to satisfy yourself as to the description of fish which spawn in the shallow waters of estuaries?—The general opinion seems to be that the flat fish spawn in the shallow water, and come up for that purpose; those are the fish which are mostly taken by the trawlers.

4311. Is it not supposed that those fish spawn in places where they are protected by rock, and amongst gravel and stones?—There are various opinions upon the subject; some people think that they spawn upon hard sandy ground.

4312. Do you believe that they ever spawn in such flat ground as a trawler could work upon, in bays and estuaries?—I have heard that spawn is taken up by trawlers, but I have never been able to come to a conclusion about it; I confess myself unable to do so. I would perhaps, 30 years ago, have given you very flippant answers to those questions; but the more I consider the subject and inquire into it, the more disposed am I to say that I know but little of those matters.

4313. As a high official of the Fishery Board, I believe that you have been the means of imposing restrictions in certain places on the ground that the spawn was disturbed?—That has been one of the ingredients; direct evidence has been given

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given to that effect; there has also been evidence of the injury inflicted by the interference with certain engines; and we perhaps have been, in some instances, influenced by the consideration of the number of individuals engaged in that objectionable mode of fishing, compared with the number of persons engaged who complained of it as an injury to them.

4314. At certain times do not very large shoals of fish assemble upon the western coast of Ireland, and come into the bays in pursuit of fry, and in certain states of wind to protect themselves from storms?—I presume so.

4315. And those fish, after a short time, go off to sea again?—They are very capricious; they are influenced by the state of the weather, but fine warm weather seems to influence them to a disposition to come closer in to the shore.

4316. Under circumstances of that kind, would it not be advantageous in a consumer's and a commercial point of view, that the fish so coming in should be captured before they went back again to sea?—Certainly.

4317. But that could not be done if there were restrictions upon trawling in bays?—No doubt.

4318. A large quantity of fish come into Galway Bay for protection?—I suppose so.

4319. And they must always escape if not captured by a trawler; I believe that that description of fish cannot generally be captured by land captors?—Those fish of which you speak, namely, round fish, such as the hake I believe, are not generally captured by a trawler; they have been generally captured by the trammel net.

4320. Mr. *Shaw Lefevre.*] As a general proposition, I suppose you agree that the trawl fishermen, and the line fishermen, catch a different class of fish?—Yes, the line fishermen take plaice and turbot with long lines. As a general rule they take a different class of fish.

4321. *Chairman.*] The restrictions have been imposed in Galway Bay for a great number of years?—They have; I can tell you the date of the bye-law. The first bye-law which passed was in 1843, and the second bye-law was on the 9th of January 1854; that was a bye-law having reference principally to the herring fishery, obliging boats to keep a certain distance from the herring fishery.

4322. Although in Galway Bay the restrictions so loudly called for by the Claddagh fishermen have been in existence for a long time, I believe that the condition of the Claddagh fishermen has not improved?—It has not.

4323. They have had it all to themselves, so far as the restrictions go on trawling?—Yes.

4324. And yet they have gone down in point of prosperity?—From the first introduction of that bye-law to the present time, it has been universally admitted that it has not been enforced, and that it could not be enforced, from the very nature of the line which has been adopted; it has been an oblique line; it is from Barna Pier to Gleninagh Castle; and the coast guard upon whom it generally rested to enforce those regulations, declared that in most cases it was utterly impossible to tell whether the boats were inside that line or outside it, and there was a long struggle for a direct line.

4325. I believe that the Claddagh fishermen themselves act as a very efficient police to carry that bye-law into operation?—I believe that they have sometimes been very turbulent.

4326. Mr. *Shaw Lefevre.*] Is it not the fact that the Claddagh fishermen have entirely prohibited trawling in Galway Bay?—It is not at all the fact; they were certainly very troublesome and did a great many things which they should not have done, but I am quite sure that their interference has been greatly exaggerated.

4327. *Chairman.*] In the Bay of Dungarvan, in the county of Waterford, are there restrictions upon trawling?—No, there is scarcely any trawling in Dungarvan Bay. In July 1849 there was a long code of regulations with reference to the trammel net fishing in Dungarvan Bay, which has been almost a dead letter.

4328. They do not trawl there?—They do not trawl there at all.

4329. Has not the condition of the hook and line fishermen gone down very much?—Very much.

4330. They have very much decreased in numbers?—Very much.

4331. In Dublin Bay, where there is a prohibition, I believe that the condition of the line fishermen has also gone down?—I believe that it has not been so prosperous as it should have been.

4332. How long have the restrictions been in existence upon the eastern coast?—I believe that it is 24 or 25 years since the first bye-law in Dublin Bay was passed.

4333. I believe that the hook and line fishermen have decreased in numbers, and have gone down in prosperity?—They say that it is because of the scarcity of fish and the injury done by trawling; it is very hard to come at the truth.

4334. I believe that it was anticipated that trawling would interfere with herrings, in scaring them away?—I never heard that, so much as the injury of the spawn.

4335. But, as a matter of fact, it has not been the case that it scared them?—We have had a better herring fishery than we ever had.

4336. In the course of the evidence given before you as to the cause of the decrease of fish on the eastern coast, has there not been some very extraordinary evidence given in the way of absurd reasons why particular fish disappear; did not one fisherman say that from the time when some harbour masters died, the fish deserted that portion of the coast?—I am not aware of that.

Chairman.] I certainly read it in a printed official report.

4337. Colonel *Annesley.*] Do you approve of the recommendation of the last Commission as to the restriction of trawling in bays being done away with?—I think that adopting an universal principle of free trade is a great risk; they may be right.

4338. Can you state in a general way what their reasons were?—I presume that their reasons were founded upon evidence taken very deliberately by them throughout the whole coasts of Great Britain.

4339. The principal reason is, I suppose, that the supply of fish should be increased to the public?—I suppose that the main reason is, that we should not attempt to control the supply of fish to the public.

4340. On the other hand, the line fishermen consider that they would be almost completely ruined, supposing that these restrictions were done away with?—The only instance where there was a perfect concurrence between the line fishermen and the trawlers, in favour of the removal

removal of the restrictions, was in the cases of the northern meetings which we have recently had.

4341. But, generally speaking, around the coast the line fishermen are entirely opposed to this restriction being done away with; they are against any alteration of the present law?—They are.

4342. Their interests are entirely conflicting?—They think so.

4343. Do you think that, supposing that the restriction was done away with, it would injure the line fishermen all round the coast?—I think that it would be a very dangerous state of things to have no tribunal to which an appeal might be made against an injury done in a particular locality. I am as averse to restrictions as anybody can be, unless they are absolutely proved to be necessary by a great weight of evidence, but I think that there should be some local tribunal by which the matter could be ascertained, and that it should not be necessary to come frequently to Parliament for such trivial matters. I will go to France. I see that, as far back as 1838, they commenced a very stringent course of regulations for the trawl fishery, amongst other objects. It was attempted to subject Ireland to those regulations, but we protested against it, and we did so successfully, because, by an Order in Council, we were excluded from the operation of the French Convention Act. I find, by more recent regulations adopted by the French in 1862, that in their decrees they have settled their principle, and they considerably relaxed the stringency of their regulations, but they have still reserved to themselves the power to impose them when occasion shall require.

4344. You have not exactly given us the information at which I want to arrive. Do you coincide with the general opinion expressed by the line fishermen, that their trade would be almost annihilated, or very much injured, if the restrictions upon trawling were removed?—Indeed I do not, because all classes of fishermen are remarkable for exaggeration. I think that it may be injured in particular places, but I do not think that it would be completely annihilated.

4345. We have heard of the evidence given before the Royal Commission, and before other commissions, as to the trawling improving the grounds upon which the line fishermen shoot their long lines?—I do not believe it.

4346. You do not agree that the ground has been improved?—I do not believe that the scraping up of the ground can be beneficial; I have heard it stated, and stated upon oath, that in a train of trawling boats the last boat will take more fish, going over the same ground, than the first; I do not believe it.

4347. You know the reason which is given, namely, that the ground is cleared, and that that kind of fish like better to lie upon it, and can feed better?—Yes, but this is at the same moment.

4348. Then, in fact, you entirely dissent from that statement?—I do.

4349. Mr. *Shaw Lefevre.*] You do not believe the statements of fishermen who say that they continually trawl perhaps 20, one after another, and that the last catches as much as the first?—I do not.

4350. Colonel *Annesley.*] The line fishermen would consider themselves much aggrieved if the trawling restrictions were done away with?—Yes, that is the general impression among them, arising from a double cause. I believe that the line fishermen have, in many instances, been very materially injured, practically, in a way which is quite obvious, by the destruction of their gear; that has been recently the case.

4351. Has not that been very much exaggerated?—Perhaps so; exaggeration is universal in all those cases connected with the fisheries.

4352. In the course of your experience, have you met with many well authenticated cases of damage having been done to the long-line men?—A great many.

4353. Can you give the Committee any idea of the number and value of lines which have have been so injured?—Here is a paper which has been transmitted to me by the inspecting commander of the Howth district, stating the injuries done, the number of lines lost, and their value within a given period, which paper I beg to present to the Committee. (*The Witness delivered in the document,* vide *Appendix.*)

4354. That is in Dublin Bay?—Yes; that is from the 1st of December 1866, to the end of April 1867.

4355. In your opinion, is it possible to reconcile the conflicting evidence between the line fishermen and the trawl fishermen?—I cannot do so, of course, except by saying that they are both interested parties. I have been generally much less influenced by the statements made by either party interested than I have been by the opinions of unprejudiced parties, most especially the coast guard.

4356. As a matter of fact, it is quite impossible to reconcile the evidence?—Utterly.

4357. Do you think it desirable that a compromise should be come to between the two conflicting interests?—Most desirable, if possible.

4358. What sort of compromise should you consider to be the most desirable; doing away with the restrictions in the bay for a certain time in the day, or for a certain number of months in the year, or both?—The adoption of something like a close time would be perhaps one of the most effectual modes of doing it. In the case to which I especially referred, it was a daily close time. The trawlers readily consented to avoid fishing before 11 o'clock in the morning; the line fishermen admitted that that would be sufficient to enable them to haul all the lines that were set on the previous night, and there was a compromise.

4359. That was made by a Board, of which you were the chairman, was it not?—It has never yet been carried out as a bye-law; it was only recently proposed at the meeting, and it seemed to have reconciled parties; and I think that now upon many occasions we find that a little supervision of that sort is sufficient to induce parties, if they are at all convinced that the proposition is a reasonable one, to adopt it even before it becomes the law.

4360. When will it become the law in that case?—That will depend entirely upon the will of the Board; it has not yet been submitted to them.

4361. Do you think that it would be possible to carry out that arrangement all round the coasts in these bays where restrictions exist at present?—When the evil is of the nature which has been complained of, I think that a simple remedy may

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be available, and I think that some arrangement of the kind may be made in some degree uniform, but I am afraid that a general and uniform regulation would be almost impossible.

4362. For what reason?—Because of the different circumstances of different localities.

4363. Will you give the Committee an example of a case where such an arrangement would be impossible?—Only a portion of the objection to trawling in that locality has been remedied in that particular case. That is outside the limits altogether; it is in a place where there is no restriction whatsoever, and yet they have complained that injury has been done to their gear, and there a remedy has been applied by merely a little arrangement between themselves; but the great objection to trawling in Bantry Bay generally is, because another very productive mode of fishing previously existed to a great extent; it was used by the agricultural classes of labourers and the small farmers along the shores of Bantry Bay on both sides, namely, the trammel net. Those trammel nets are restrained by law from being used, except between sunset and sunrise, and the trawlers who recently came into the bay alleged that the most favourable time for them to fish was during the night, and they fished during the night, and of course destroyed a great number of those trammels, and it was consequently a source of grievance to the owners of them. If they had been restrained, as some parties were desirous that they should be, from fishing with a trawl net by night, permission being given to them to do so by day, they might have been relieved from destroying the trammel nets.

4364. My proposition is, that the trawling should be confined to as long as there was light; would not that do away with your objection as regards the trammel nets?—It would.

4365. Have you any other case which you can mention to the Committee where such an abolition of the restriction would not be possible?—I do not see that there would be any objection to a regulation of the sort as an experiment.

4366. Do any practical objections suggest themselves to you at present to carrying it out?—No; I think that it would be very possible; we made an effort to do so.

4367. During what months of the year would you propose to allow this trawling in bays?—So far as my observation goes of the state of the fishery and the spawning, I think that the months of January and February and March would be a time when the trawling ought not to be permitted, because I think that the fish taken in those months is in a very bad state; it is either very full of pea, or is spent.

4368. Then, upon the whole, you see no objection to allowing a trawler for nine months of the year to come into the bays between the hours of 11 o'clock and sunset?—I think that that would be well worth the experiment, because then there would be no danger of collision between the parties. If an arrangement of that kind were made, they would each get a better share of whatever fish was to be caught. And it is so difficult a question, that I think it would be well worth the experiment.

4369. Do you not think that the interests of the State would be benefited thereby, inasmuch as more fish would probably be caught, and brought to market?—It is very likely.

4370. In your opinion, would not that be better than a limit of fathoms from low water-mark?—As to fathoms, I think that that is utter moonshine. The five fathom line is a zigzag line; it is most objectionable to make a regulation of that sort which cannot be enforced; and a regulation of that sort never can be enforced.

4371. You also prefer a compromise of that sort to naming a number of miles from the shore, which is done in other countries, within which parties may not trawl?—I think that the French plan, namely, a three mile distance, is equally impracticable. I think that a time restriction would be much better.

4372. In fact, generally you approve of such a restriction?—Indeed I do.

4373. In page 5 of the Bill under our consideration, it is stated that "Trawl fishing is forbidden in all places where there are boats engaged in herring or mackerel drift net fishing. Trawl boats shall always keep at a distance of at least three miles from all boats fishing for herrings or mackerel with draft nets." Do you think that that is a proper limit, or do you not, that it is too far to keep the trawl boats?—That seems to be quite the adoption of one of our bye-laws, and practically we have found that it has been complained of, that it has been liable to be made available in unnecessarily preventing trawling.

4374. What would you suggest?—I think that that would require modification. Two bye-laws were made by our Board upon that subject; the first was found too loose and undefined.

4375. Will you mention what the first regulation was?—It was, "First.—Trawl fishing is hereby forbidden on or off the coast of the county of Wexford, in all places where there are boats engaged in herring or mackerel drift net fishing. Second.—Trawl boats engaged in fishing on or off the said coast of the county of Wexford, shall always keep at a distance of at least three miles from all boats fishing for herrings or mackerel with drift nets. Third.—Whenever herring or mackerel boats shall commence drift-net fishing, in any place whatever, on or off the said coast of the county of Wexford, the trawl boats which may be already fishing in such place shall depart therefrom, and shall keep at a distance of at least three miles from the said drift-net herring or mackerel boats." That was the first by-law made upon the subject of the distance which trawl boats were to keep from herring fishing. An application was afterwards made from Galway Bay to apply the same principle to the Galway fishing; and, on an inquiry, it was ascertained that it might be possible for a single boat to go out, and to appear to be herring fishing in the locality, in order to keep the trawlers from fishing at all, and the consequence was the making of this by-law. "Fourth.—When large shoals of herrings or mackerel shall have set in in Galway Bay, and while boats are at such time engaged in drift-net fishing for taking of herrings or mackerel, trawl fishing in the said bay is hereby prohibited."

4376. It was abolutely prohibited altogether?—Yes, at that period; "second, when boats shall commence fishing for herrings or mackerel as aforesaid, all trawl boats shall keep at a distance of at least three miles from the boats so engaged in fishing for herrings or mackerel, and while so engaged."

4377. *Chairman.*] Are not the regulations which you have just read actually in existence in Wexford, and on the coast of Galway?—They are.

4378. Colonel *Annesley.*] Do you consider it just to prohibit trawling altogether, even when the herrings are there?—I do, from my knowledge of the great importance of what the herring fishery used to be in former times in Galway Bay. There is the condition that there shall positively be the appearance of those large shoals. I have myself seen large shoals of fish materially interfered with by trawl boats; the fish are very capricious.

4379. In the open sea between the Isle of Man and the Irish coast, would that opinion of yours hold good?—Certainly not; it is only where they fall into those deep indentations.

4380. In such a case as I have mentioned between the Isle of Man and the Irish coast, do you consider that it would be just to prevent all trawling when the herring boats were out?—I do not think that it would be right.

4381. Would you impose any limit?—I think it better to leave things as they are; it has never been complained of; the herring fishermen in those seas which you have spoken of have never complained of trawling, nor do I believe that there is any trawling.

4382. We know that there are large Dublin trawlers?—But they have never been complained of.

4383. We are here enacting a law that no trawl boats shall ever fish within three miles of herring boats?—Yes.

4384. Do you not consider that that would be very hard upon trawlers in the open sea?—It is not in the open sea.

4385. I refer to the Bill?—I beg your pardon; I thought that you referred to the bye-law.

4386. I am referring to the Bill which is now under our consideration?—I think that a regulation of that kind should not be enforced by any measure of legislation; I think that it should only be adopted in cases in particular localities where it had been proved to be necessary, and I think that that proves the necessity of some power existing of doing it independently of its becoming a general law.

4387. What limit would you suggest as the limit which ought to be enacted between the trawling and the herring boats?—None by legislation; I would leave it an open question; it is establishing a system of restriction which I think unnecessary, unless it is particularly called for by the special circumstances of a locality.

4388. Do you not think it fair that an enactment should be made that the trawlers should keep just so far, and no further, as not to interfere with the herring boats?—I think it better not to say anything about it in a general Act.

4389. Mr. *Cooper.*] If I understand you rightly you would not put any restrictions in an Act of Parliament; but you would give a Board power to make regulations?—Distinctly so.

4390. Mr. *Herbert.*] You have had a great deal of experience. What is your own opinion with reference to trawling in the shallow bays generally round the coast?—I have before stated that my own opinion is the effect of impressions made by the evidence received at several meetings, where I have been in the habit of either presiding, or assisting, for a good many years back, rather than of practical experience.

4391. What is your own opinion from the evidence which you have gathered?—My opinion generally is against restrictions; but my opinion still is that there are occasions where, restrictions being necessary, there should exist some simple and approachable and ready tribunal, before which the question should be settled without the necessity of going to Parliament.

4392. I think that you have said that one of the objections to having general trawling in Bantry Bay is that the fish would be cleared out. Do you not think that it would create injury if big trawlers came there and cleared out the fish?—I believe that it would.

4393. Do you remember the evidence given by a person of the name of O'Flaherty, a coast-guardsman, in the Bay of Galway, with reference to the destruction of fish in the bay?—I do; he was a remarkably intelligent officer of the coast-guard. He had been, I believe, the chief officer of a coast-guard boat for many years, and we selected him, and paid him for going on board one of the trawlers for a considerable time, making experiments and watching the bag when it was taken up, and he made several reports to us which are given in our reports. His evidence was decidedly calculated to leave strong impressions on our minds against trawling.

4394. *Chairman.*] You speak of the reports made to your Board by that officer?—Yes, and afterwards transferred to our annual reports.

4395. Mr. *Herbert.*] Did he report that the spawning fish and the spawn were damaged?—I think that in general terms he alleged his belief of considerable injury, and that he had found what he believed to be the spawn of fish.

4396. At what time of the year was that?—I think that it was some time in the summer.

4397. Was he perfectly disinterested?—Perfectly so, and an extremely upright and intelligent man.

4398. Sir *Henry Winston Barron.*] You mentioned in a part of your main evidence that you and the Board came to your conclusions with regard to each separate case of prohibition upon the evidence of parties examined on the spot by, I believe, yourself, or competent authority. What class of witnesses did you generally examine for that purpose?—The meeting was generally held on the requisition of certain parties, and in most cases in the different localities those parties were represented either by counsel, or by solicitors, who attended on their behalf; and they produced the witnesses to us, and it may be seen by reference to either of those reports of meetings that we gave every permission to anybody to cross-examine each witness. The next class of persons upon whom we relied most were the coast-guard. We generally found them a very intelligent and respectable class of persons, and we obtained their opinions, and generally had the benefit of their testimony in most of those cases. Then we by proclamation in open court solicited the opinions of any intelligent persons who had formed any opinions, or had any knowledge upon the subject. We sought by every possible means to be informed and enlightened. That evidence was taken down by the shorthand writer, and submitted to the aggregate Board, and was by them discussed. The practice is, that at present the junior Commissioner, Mr. Le Fanu, takes the evidence and reads it deliberately. He makes his observations upon it, and he submits it to the general Board, where it is discussed, and a determination is come to.

4399. You have stated, in answer to the Chairman, that Dungarvan Bay is not interfered with as regards trawling?—That is so.

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4400. And it was suggested, I think, by the Chairman, that the falling off of the take of fish in that locality is very considerable; are you aware of that?—I am; at least I am aware that Dungarvan has almost ceased to be an important fishing town from a variety of causes.

4401. That has nothing whatever to say to the question of trawling, either one way or the other?—Distinctly not.

4402. To what do you attribute the falling off in Dungarvan generally?—The fishermen of Dungarvan have been a very improvident class, and there is the very best possible proof that their failure is attributable in a measure to great improvidence, because upon the opposite side of the bay, at a place called Ring, there is a most prosperous and a most intelligent and thriving community of fishermen with different habits, and they are partly small landholders. The Dungarvan fishermen have no land, no stake, and no providence.

4403. Mr. *Maguire.*] But the fish are still in the bay?—I presume that they are.

4404. Sir *Henry Winston Barron.*] Would you think it desirable that the Commissioners of Fisheries should be empowered to apply to the Board of Works to repair or improve piers or harbours for fishing purposes. It would appear from your evidence yesterday, that at present there is no actual authority properly so called, which is bound to look after the repairs of the piers and harbours of Ireland for fishing purposes; do you not think that that power should be vested in some body, like the Commissioners of Fisheries?—The Commissioners of Fisheries and the Commissioners of Public Works are at present one, so far as fisheries are concerned. I presume that you are supposing a new body exclusively Commissioners of Fisheries, or do you mean the present body.

4405. I do not care whether they are the present or a future body?—I think that it will be an answer to your question to say that I am of opinion that the right of the Commissioners of Public Works to look after those piers which have been constructed under their direction should never have ceased.

4406. To look after all piers?—To look after all piers which have been constructed in part or altogether with public money.

4407. And harbours?—And harbours; and I think that it should be competent to them to interfere in any case where it was signified to them that their interference was necessary.

4408. Mr. *Cooper.*] Is it not now competent for you to interfere to a certain extent, namely, to this extent, that if the county neglect a pier made by the Board of Works, you can, by a certain machinery, get a compulsory presentation?—We can, but the honourable Member complains that that is only a consequence of a refusal by the grand jury to interfere; perhaps he is right.

4409. Sir *Henry Winston Barron.*] What I want to convey is that some authority should be empowered to report upon the state of the piers and harbours for fishing purposes in Ireland, and to call for their repair or improvement?—Just so.

4410. Mr. *Cooper.*] You can now call upon the county surveyor to repair a pier?—Yes; but it is very unusual to do it.

4411. Sir *Henry Winston Barron.*] Should not there be some party empowered by the Act of Parliament now under our consideration to bring forward the state of those piers, and to call authoritatively for their repair and their improvement; do you not think that that would be very desirable?—I think that it would; but I think that the power for any individual upon the spot to interfere exists.

4412. What I want is, that under the Act of Parliament, a body should be made responsible for this duty?—I have admitted before that it was exceedingly objectionable to have transferred those piers to the care of grand juries in the first instance, inasmuch as it may be supposed to have extinguished the responsibility of the more competent department who had charge of them before that time. By the document which I hold in my hand, it will be seen that that department did not conceive itself thoroughly relieved of all responsibility, for that upon a very recent occasion, in consequence of frequent communications made to them of the dilapidations in different quarters, they called upon the county surveyors of Ireland to furnish them with reports of the state of things, and of the accurate position of every pier on the coast of Ireland. That information has been furnished, and I hold in my hand that document, ready to hand it in, if the Committee approve of my doing so.

4413. What is the date of it?—It was in November 1865. This is an abstract made from the several reports received by the Commissioners of Public Works from the county surveyors, with regard to the different piers which have been constructed upon the coast of Ireland within their respective districts.

4414. So far as you have given us the substance of the document, it exactly meets the case which I wanted to bring before the Committee, namely, that there are several of those piers and harbours in a very neglected state (not to say worse), and that no action has been taken to repair them?—Exactly so; I entirely admit that that is the result of injudicious legislation in having transferred those piers to the grand juries. (*The Witness delivered in the document*, vide *Appendix.*)

4415. How would you propose to remedy that loose sort of power?—By imposing upon the department which is the most competent, the power of looking after those piers and harbours.

4416. Mr. *Shaw Lefevre.*] You have said that you dissented from the report of the Royal Commissioners?—Yes, in some degree.

4417. As far as regards trawling within bays and estuaries?—The point upon which I mainly dissented, was the sweeping away altogether of all regulations, without what I considered a substitution or a suggestion for a substitution.

4418. The general tenor of your evidence is against restrictions, but still you do not consider it desirable to do away with them wholly?—Perhaps it may be well to allow the powers to exist which now exist of doing away with them gradually. The tendency of public opinion is unquestionably in favour of the remission of those restraints.

4419. Do you think that the board should have power to exact new restrictions with regard to other bays?—I do.

4420. Have you come to that conclusion upon any general inquiry subsequent to the Royal Commission, or upon your previous experience, and upon the evidence taken before the Royal Commissioners?—We have had numerous complaints made to us from various quarters, and we have

have abstained from all interference until some specific determination should be formed, founded upon so important a document as the report of the Royal Commissioners.

4421. With the exception of the inquiries which you held at Lough Swilly and Belfast Lough, you have had no general information since the report of the Royal Commission?—No; and we were very unwilling to hold those inquiries.

4422. Those inquiries were held upon the representations of the fishermen there?—To a certain extent.

4423. You do not agree with the Royal Commissioners when they say that the previous restrictions imposed by your Board have not been effectual;—I do not; on the contrary, I am quite sure that in many cases they have been very effectual.

4424. I think that altogether round the coast of Ireland, there are something like 13 or 14 cases of restriction upon trawling; I make out 10 important bays where trawling is prohibited?—Bantry Bay, Belfast Lough, Brandon Bay, Donegal Bay, the coast of Down, Dublin Bay, the Dublin Down, and Louth Coast, Galway Bay, Glaudore Harbour, Swilly Lough, Waterford Harbour, and the Wexford Coast. At Dingle the law has been altogether abrogated.

4425. There was an application some years ago to prohibit trawling altogether in Dingle Bay?—Yes.

4426. The Board held a meeting there, and imposed a restriction to that effect, and subsequently there was an application by the inhabitants to do away with that restriction, and now it is abolished?—Yes. Intermediately between the passing of the bye-law and the passing of the regulation abrogating that bye-law, there have been two meetings, one of which was at the instance of the naval officer who commanded the coast-guard district, Captain Crispin. He had been there, and he had been impressed with the belief that it was extremely desirable that we should modify or wholly abrogate the Dingle bye-law. He called upon us, and he very kindly consented to accompany me, and we held a meeting there; he was present at the whole of the meeting, and he saw the evidence which was taken; and the result of his opinion was that he altogether altered the opinion which he had formed, and thought that no change should be made, and there consequently was no change made. Then came a further application, and it was sustained by all the influence of the Local Government. I was not engaged in that inquiry. I was not present upon that occasion; it was held by the late Chairman of the Board, Sir Richard Griffith, and the whole of the details of the evidence taken upon that occasion have been furnished in obedience to the order of the Committee.

4427. Then we must take Dingle out of the list?—Yes.

4428. Must we not also take Waterford out of the list, because the prohibition there is upon a particular class of trawling, and not upon trawlers altogether; you permit the small class of trawlers to trawl in the bay, and not the large class?—Yes.

4429. In the case of Dundalk Bay, I understood you to say that the fishermen upon the spot would be glad to allow trawling in the bay if it was confined to themselves?—Yes.

4430. Then again, in the cases of Belfast, Lough, and Lough Swilly, you have had applications from the local fishermen, asking for the restrictions to be done away with?—Not altogether done away with, but to have the limits extended.

4431. And you have held inquiries upon that subject at both places, but you have not yet come to a conclusion upon the subject?—We have made no change.

4432. Then the absolute restrictions which are uncomplained of are now confined to a very few bays?—One place is Lough Swilly.

4433. At Lough Swilly you have had applications from the fishermen to do away with the restrictions?—Yes.

4434. The restrictions uncomplained of by local fishermen are at Dublin, Galway, Dundrum, and Donegal?—Yes.

4435. At Donegal there is very little fishing indeed?—Very little.

4436. So that practically the restrictions which are uncomplained of are confined to Dublin, Galway, and Dundrum; in those bays do you think that the prohibition of trawling has been beneficial, and has tended to the increase of fish?—It is said that it has.

4437. From any information which you have had yourself, can you say that that prohibition has been beneficial?—So far as Donegal is concerned; I had this very morning a letter from a gentleman.

4438. I am now confining you to Dublin, Galway, and Dundrum; in Donegal, I understand, there is very little fishing whatever?—Very little; but at the same time, the benefits of the bye-law have been alleged to have been very great; I received this morning a letter from Mr. Forster, in which he complains of some trifling encroachment upon the bye-law, and says that it has been productive of very injurious consequences; you are quite right in saying that the fishing there is very trifling.

4439. As compared with the fishing in Galway Bay it is insignificant?—Yes.

4440. Then we must judge of the success of the restrictions rather by what has taken place in Galway Bay, Dublin Bay, and Dundrum Bay?—Yes.

4441. Can you say, from your own knowledge, that the restrictions in those places have been beneficial; can you say that in either of those three cases there has been an increase of fish?—I cannot, from any positive authorities.

4442. Has your Board taken no pains to have statistics made upon the subject?—We have no means of doing so beyond the opinions given to us by the coast guard, which are in our Report.

4443. Are you of opinion that the bye-law has been carried out in Dublin Bay, and that trawling has been prohibited?—I believe that Dublin Bay is the place where it has been best carried out, because I know that there have been there some prosecutions, and that the trawlers have been convicted in some very few cases.

4444. Have the line fishermen kept up their numbers in Dublin Bay?—I think so, pretty well.

4445. Are there any circumstances which lead you to believe that the fishery has increased there?—So far as regards the line fishery, I could not tell you that it has.

4446. Sir *Henry Winston Barron.*] Has the herring fishery increased?—Yes, materially, upon the whole eastern coast.

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4447. Mr. *Shaw Lefevre.*] The herring fishery is wholly unaffected by trawling, is it not?—It is not much affected.

4448. The herrings do not come into Dublin Bay?—The great bulk of herrings brought into Dublin Bay are brought by the vessels which take them outside.

4449. The shoals of fish do not come up?—Very rarely.

4450. Take Galway Bay; are you of opinion that the line of prohibition of trawling which has been drawn there has been of any use?—If we are to judge by the scarcity of fish, one would say that it has done no good.

4451. Then, upon the evidence which the Royal Commissioners had before them, you would think that their conclusions were justified; namely, that the restrictions upon trawling in Ireland have not been of any great use?—I should not at all have objected to the proposition made by the Royal Commissioners, of a more extended permission to use the trawl net, if a possibility was provided without having recourse to Parliament, of getting some redress in some places where it may have been found to have been injurious.

4452. Then you are in favour of the general policy of the Royal Commissioners, but you do not go quite so far as they do?—I am, and I ever have been, in favour of a system of free trade, so far as it is safe.

4453. But you do not quite like to do away with those restrictions without leaving an opportunity of restoring them if it should hereafter turn out to be desirable to do so?—Precisely so.

4454. I think that you said, in answer to Colonel Annesley, that you thought that it would not be undesirable to allow the trawlers to fish in the daytime?—In so complicated a question I think that some experiment of that sort would be desirable.

4455. Do you think that it would be possible to prevent their fishing in the night time?—Yes, provided there was a law against it.

4456. How would you carry out such a law?—By the coast guard.

4457. Do you think that the coast guard could carry it out?—Yes.

4458. Do you know that there are complaints now that they fish during the night time?—They fish during the night time in Bantry Bay, because there is no law against it.

4459. Was not it alleged that they did so in Belfast Lough?—I did not hear that it was.

4460. Was not that a portion of the evidence which was taken upon your inquiry?—It is possible; I do not remember it.

4461. Have no complaints of that nature been made in Dublin Bay?—There is no law against night fishing, except within the limits.

4462. I mean within the limits?—I have not heard that there have been any complaints of trawling by night within the limits.

4463. Whatever difficulty there may now be in maintaining the restriction, will not there be even greater difficulty in maintaining the restriction when it is confined solely to the night time?—I think that that may be possible; in short I think that upon the increased vigilance of the coast guard will depend the carrying out of any regulations which may be adopted, and I think that that increased vigilance can never be secured except by a fair and reasonable compensation to them for their increased trouble.

4464. Do you think that it would require a larger staff of the coast guard?—I think not; I think that they have very little to do; fortunately for the country there is very little of what is called smuggling.

4465. Sir *Henry Winston Barron.*] With regard to the question of trawling, in your long experience with regard to trawling, have you not found an immense difference of opinion on the subject?—Most deplorable; but I will tell you how it was governed. Those who were trawlers were very decided in their declarations that it did no harm; those who were opposed to the trawlers, and who were line fishermen, or trammel fishermen, declared that it was ruinous, and we were obliged to be mainly influenced by the evidence of disinterested persons, who were perhaps better witnesses.

4466. Did you find it difficult to obtain that class of disinterested witnesses?—We seldom found any difficulty; we generally had some intelligent persons there to whom we could appeal. The coast guard in particular generally aided us.

4467. From your own experience, can you tell us what the opinion of that class of disinterested witnesses was?—So far as my memory can enable me to state, I think that generally speaking I found the coast guard averse to unrestrained trawling. If the Committee will allow me, I will read a very short extract from the evidence of a coast guardsman at Lough Swilly, he states, "I am decidedly of opinion that an improvement in the supply of fish has been produced by the operation of the bye-law, and that the restraint upon trawling has been beneficial to the fishery, but I think at the same time that the limits may be extended with advantage." In most cases where applications have been made to us for alterations in restrictive regulations, they have been not for a total abrogation, but for a modification and an extension of the limits.

4468. Colonel *Tottenham.*] I understand that the prejudices against trawling even in the minds of the line fishermen are gradually yielding?—It would appear so, if one can judge from those meetings in the north of Ireland, but in other places I think that it is not generally so, but that they have the same prejudices. However, I should mention that there was one source of objection to trawling, which unquestionably has considerably diminished with the great facilities which have been afforded for the disposal of the fish by the increased means of transit, railways for instance. There was a time when I had formed an impression that there was an objection to an increased supply, and to a reduction of the price; there is no longer that ingredient, because there is a boundless demand wherever railways exist; the fish is taken away and sold, in fact there are buyers for the fish before it is taken.

4469. Mr. *Cooper.*] They were afraid that the trawlers would swamp the local market?—Yes, and they did so for a time. I can remember Galway when there used to be an enormous quantity of fish in the market almost valueless; that is no longer the case.

4470. Colonel *Tottenham.*] In fact, as the means of disposing of the fish increase, we may expect the objection to trawling to diminish?—In all civilised communities that ought to be the case.

4471. Colonel *Annesley.*] You have said that the

the coast guardsmen in Belfast, Lough, thought that the trawling injured the fishery?—Yes.

4472. Against that evidence, have you not the fact, that on the south and the south-eastern coasts of England trawling has been going on for generations, and has not injured the fishery?—I do not know; I have heard complaints made at Brixham of indiscriminate trawling.

4473. Then you do not agree with that statement?—I do not know; those who have given evidence upon the subject know much better than I do.

4474. But you know that for hundreds of years they have been trawling upon the southern coast of England, and yet have not scared the fish away there?—They have not trawled so much inshore; and I have known very high authorities take great objections to trawling before Parliamentary Committees; that was so as regards the British Channel Fisheries.

4475. Have you read the evidence connected with that subject in the Report of the Royal Commissioners respecting Rye Bay?—I do not remember it.

4476. Colonel *Vandeleur.*] The dispute now lies between the two parties, namely, the large men and the small men; that is to say, between the owners of heavy boats and the owners of small trawlers and long-line fishermen?—I think that there is rather a different feeling between the small and the large trawlers, excepting in one locality, where the large trawlers do not object to the small trawlers being permitted to trawl, but they object to themselves not being allowed to trawl in the same places.

4477. The trawlers, I believe, are a class of boats which go round the coast of Ireland?—They occasionally do.

4478. Take Bantry Bay; is it not the fact that they do not winter there, and do not belong there?—They do; very few strange trawlers have lately come into Bantry Bay; but the trawlers only leave their own locality when they feel that they have nearly trawled it out. I have had that information from the most experienced trawlers.

4479. And they then go to another quarter?—Yes, if they can.

4480. Of course when they have trawled out the ground, the local fishermen who live upon the spot feel the difference?—Certainly.

4481. And naturally complaints arise?—Yes.

4482. For that reason, do you not consider it very desirable to keep up the power of making bye-laws and regulations as circumstances arise?—I should, by all means; I should consider it extremely dangerous to leave the thing without such a power.

4483. You think that we should not make an Act of Parliament which should in fact sweep away all the small fishermen; would it not have that effect?—I would not go so far as that; but I think that it would be a great risk to make an Act of Parliament which should not give some more inexpensive and more simple tribunal than Parliament.

4484. Have there not been such complaints made by fishermen at Bantry Bay, including Bear Haven?—Yes; one of the causes of the complaints made at Bantry Bay is, that the number of vessels engaged in trawling is very small; there are not more than six boats, and yet those six boats they believe will do a great deal of mischief, and actually do mischief to their gear; that was a source of complaint. It was in open ground; in ground not closed up by a bye-law.

4485. You have put in a return to-day of the injury done by the trawlers to the fishermen in Dublin Bay within a few months?—Yes, I have handed it in upon the authority of the Inspecting Commander and the Harbour Master of Howth.

4486. Mr. *Shaw Lefevre.*] I apprehend that that was not in Dublin Bay, but was in the open sea outside?—It was outside; it was not within the ground.

4487. Colonel *Vandeleur.*] Do you mean outside the Kish Light?—Yes.

4488. That is in the general fishing ground?—Yes.

4489. In Bantry, or about Bear Island, I believe that there was a great lobster fishery?—Yes.

4490. Was any complaint made there of the trawlers trawling and injuring the lobster fishery?—There was; a witness was examined who had established himself in Bantry Bay with the intention of carrying on a lobster fishery upon a large scale, and he says that he can establish a lobster fishery there to an unlimited extent; but he complains that he has seen vast quantities of small lobsters taken by the trawlers.

4491. You have stated that there have been applications from the local fishermen in various places to remove the restrictions; were those local fishermen the trawl owners, or the long-line fishermen?—The applications to remove the restrictions always came from trawlers.

4492. From your evidence one would suppose that the local fishermen were the small men?—Certainly not; they would have been the parties who were opposed to the removal of the restrictions.

4493. The applications for the removal of the restrictions were from the trawlers, who were interested in having free trade, and in fact in annihilating the other parties?—Yes.

4494. You mentioned that in Dungarvan Bay the fishing was carried on to a great extent by trammel nets?—Yes.

4495. And that the trammel nets had been seriously injured by trawlers?—That was not in Dungarvan, it was in Bantry Bay.

4496. Will you describe how the trammel net is set?—The trammel net has a large mesh in it, two and a-half inches from knot to knot, and it is generally used for the capture of hake; it has a foot rope leaded, and a cork rope, and it generally floats in the sea. When it is legitimately used, it is set after sunset and hauled before sunrise, and the fish are meshed in it.

4497. In what depth of water?—It is set under water, in very deep water. The top rope is kept floating by the corks and buoys, and it is kept erect in the water by means of leads.

4498. Does not the trammel itself go near the ground?—Not very near the ground.

4499. At what depth does it float?—At a very considerable depth; it varies; they put pieces together according to the depth of the water.

4500. Hake would not be caught in less than from 10 to 12 fathom?—No.

4501. Those nets are set at night?—Yes.

4502. Those nets are never set in the daytime, are they?—They are left set sometimes by day, but that is contrary to the law, and it of course is sometimes punished; the trawl people

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people are generally the prosecutors upon those occasions.

4503. Is the trammel net set in portions of the bays where trawlers are likely to go?—Very often.

4504. It is a description of engine which, when a trawl catches hold of it with its beam is taken away.?—Clearly.

4505. Is not a trammel net a perfectly legal net?—Yes, when used between sunset and sunrise, but not otherwise.

4506. Mr. *Maguire.*] Am I to understand that trawling may be injurious in some bays and not injurious in others?—I can only tell you that it is complained of in some bays, and not complained of in others.

4507. What inference would you draw from that; would you draw the inference that it is not injurious in some bays, and is injurious in others?—I would not draw any inference further than that it is because they fish with other engines in those bays where trawling has been introduced and objected to, whereas in other places there is very little of that kind of fishing.

4508. Have your Board the compulsory power to make bye-laws suited to different localities?—Certainly.

4509. And those bye-laws would be the result of investigation and reliable evidence?—Decidedly.

4510. You have said that these bye-laws imposing restrictions were abrogated in Dingle Bay; what was the motive which induced you to come to that decision?—The case was very strong; all the documents connected with it have, in obedience to the orders of the Committee, been brought here for the purpose of being laid before them if they desire it; they are very voluminous, and it involves a very long correspondence with the Government, in which it appears that a former Secretary for Ireland was led to believe that the bye-law in Dingle Bay was a very serious grievance, and he pressed very much that there should be an inquiry, and was very angry indeed that it did not immediately take place.

4511. Will you describe what the restriction was, and what was the evidence upon which it was abrogated?—The bye-law complained of was imposed on the 2nd of March 1852, and it was as follows: "The use of trawl nets is hereby prohibited at all times within that part of the Bay of Dingle, in the county of Kerry, lying to the eastward of a straight line from Bull's Head, near Dingle, to Cunnuna, near Valentia, both in the said county of Kerry."

4512. What was the character of the evidence which you heard against it?—I was not at the investigation.

4513. What induced your Board to abrogate that bye-law?—I presume the evidence; I did not interfere with it; in fact, I was in my bed; I was very ill.

4514. Did those who complained of the bye-law say that it had the effect of preventing fishing, or that it injured the fishery?—The complainant was a gentleman who was examined before this Committee, and he has been the patron and advocate of the trawling system for a very long time. I may mention that that same gentleman, upon one occasion, advocated the obtaining for a Company with which he was connected, an exclusive right of trawling in Dingle Bay, alleging that if the Dublin trawlers were permitted without restraint to enter Dingle Bay, they would trawl it out.

4515. And he wished to have the monopoly of fishing in Dingle Bay?—Yes, with trawlers.

4516. Was that gentleman the gentleman principally examined?—He was the person who exclusively offered evidence against the bye-law when it was abrogated.

4517. Did he wish, afterwards, to have the exclusive power?—Not afterwards, but previously; he and his partners deliberately made such an application to our Board, and it, of course, was refused, alleging and admitting that if all the trawlers of Dublin Bay were permitted to come into Dingle Bay to fish, they would in a very short time trawl it out.

4518. You have stated that when a meeting is held, it is the object of the party making the inquiry, to have independent and unselfish evidence; was that independent and disinterested evidence obtained at those several meetings which induced the Commissioners to come to that decision?—I am induced to believe that upon that occasion there was no evidence at all in favour of the bye-law.

4519. In other words, that the evidence of this gentleman or his friends, tallied with the evidence of the coast-guard officers or boatmen?—I rather think so.

4520. With respect to Bearhaven, there was an inquiry?—Yes.

4521. It was held this year?—Yes.

4522. You presided?—I did.

4523. What was the immediate occasion of that inquiry?—The immediate occasion was a memorial addressed to the Commissioners by the long line fishermen, as they designated themselves, of Bear Island in Bantry Bay; they were the tenants of Lord Clinton, and the memorial was sustained by a strong remonstrance from his Lordship, inclosing a communication which he also had received, complaining that their lines had been destroyed by the Bantry trawlers. We referred the matter, as we have been usually in the habit of doing, to the Inspecting Commander of the district, and we received a report from him, in which he confirmed the fact, and strongly recommended that there should be an inquiry with a view to a remedy. We accordingly held an inquiry, and by the reasonableness of the gentleman who attended there on behalf of the trawlers, and his disposition to meet any fair proposal which might be made, we believed that we had produced an amicable understanding between the parties.

4524. Will you state what were the circumstances of the case, or what was the allegation made on the part of the line fishermen?—The allegation was that they having been in the habit of setting their long lines at night, and taking them up again in the morning, the trawlers passed them and tore them to pieces before they could remove them; it was in the day time, in the morning, and it was stated that they had frequently been in the habit of doing so.

4525. You held an inquiry, and you heard evidence on both sides?—Yes.

4526. And you say that there was an amicable settlement?—An arrangement was proposed, that the trawlers should undertake not to fish until after 11 o'clock in the morning, and that they should fish there without interruption till night.

4527. Do you not think that it is a very reasonable

sonable thing that a great powerful boat like a trawler should be prevented from trawling in shore, and taking up those lines?—Yes, I think it a very hard case upon those people.

4528. What power have you now to prevent trawlers doing so?—At present, we conceive that we have power to make a bye-law to that effect.

4529. Have you a bye-law to that effect?—No; the meeting was only held on the 29th of May, and the report of it terminates with the following statement: "There was no further Evidence tendered, and the proceedings then terminated, Mr. Barry giving an assurance that it would not be his fault if the regulation suggested as to the time for long line fishing and trawling was not carried into effect, so as to allow of both modes of fishing being prosecuted without injury to either. The question was a very perplexing one, but he was happy to think that they had arrived at something like a proper solution of it, so as to reconcile the conflicting interests involved."

4530. Has any similar thing occurred elsewhere along the coast of Ireland?—I think not.

4531. Do not you think it very likely to take place?—I think it very likely. I think that both classes are very amicable when they think that a fair arrangement can be made between them.

4532. But when that arrangement is violated, do not you think that it is desirable to have a bye-law?—Clearly; I have reason to believe that that regulation is now being observed; but it is being observed in the anticipation that it will be made into a law. But I am bound to say for the fishing classes generally, that whenever it is announced by the Commissioners, or whenever they have reason to think that a certain regulation will be made, and will in process of time become law, they henceforth act upon it.

4533. Lord *Dunkellin.*] I understood you to say that in Galway Bay trawling was objected to, and not carried out?—I did not say that.

4534. There is a line of restriction in Galway Bay?—There is a bye-law against trawling above a line drawn from Spiddle to Gleninagh Castle.

4535. But in the bay itself they do trawl?—Yes.

4536. You are in favour of certain restrictions being made with regard to trawling?—Yes; I think that the restriction is not an unfavourable one.

4537. Have you before you a copy of the Bill?—Yes.

4538. Will you refer to the 12th clause; do you think that that clause is a good clause?—I think that it is too minute; I do not think that such a clause as that should be introduced into any measure of general legislation.

4539. You do not think it necessary?—No; I think that the object should be to determine upon a proper controlling department, and that to them should be left the enactment of those minor matters.

4540. I think that that clause enacts that the trawlers are not to go within three miles of herring fishing?—I think that that is a regulation which is objectionable, and which requires modification.

4541. Why do you think that it is objectionable?—I think that the condition of there being shoals of fish in the bay should be considered quite necessary in order to subject the party transgressing the regulation to a penalty.

4542. Do you mean that you would have a restriction of three miles, which could be only occasionally transgressed, or that there should be no restriction?—I mean, that when there were heavy shoals of fish in the bay, the trawlers should not come nearer.

4543. I think that that clause also enacts, that if a boat is trawling, and if a mackerel boat comes drifting down near it, the trawler shall move off?—Yes.

4544. Do you think that that is a reasonable restriction, or that it should be removed?—Positively.

4545. As regards the general fishery, do you recollect the time when a great quantity of fish in Galway was waste?—Yes; almost waste.

4546. From having no means of transport?—Yes.

4547. Consequently a means of transport would have a great effect in facilitating the fishing?—A most important effect.

4548. Do you know anything of the fishery in the neighbourhood of Roundstone or Bofin?—It has been very defective lately; Roundstone has been particularly found to fail since it was made a station in 1846.

4549. Was that as regards the supply of fish?—In the production of fish; it failed in the quantity produced.

4550. At Bofin Island is there not a good quantity of fish?—Yes; the Island of Bofin and outside it have been traditionally good for the cod and ling fishery.

4551. And there is a good fishing off Clifden?—Yes. This morning I received a communication from the chairman of the Deep Sea Fishery Company, in which he stated, that having completed their mackerel fishing, which he said was about two-thirds of the amount of the last year's fishing, they had divided their fleet into two parts, and had determined to send one part to Howth, for the herring fishery, and the other part to the western coast of Ireland for the deep sea fishery, and he asks my opinion as to Bofin and Bear Haven.

4552. The facility of the transmission of fish would be of great importance?—It would be of great service.

4553. Colonel *Vandeleur.*] From your experience, are you of opinion that the law which prohibits the fishing for herrings in the day time ought to be done away with?—I am not; on the contrary, from all that I have heard from the most experienced persons, I think that it is very desirable that it should be observed.

4554. You know that it is universally observed?—In Scotland I believe it is.

4555. And generally in Ireland?—And generally in Ireland. I now speak of the drift net fishing, because there were occasions when enormous shoals of fish used formerly to come into our bays, and I think that the principle of "catch when you can" should be observed.

4556. I speak of drift net fishing?—There should be no drift net fishing, except at night.

4557. I perfectly agree that for draught net fishing it is of no consequence, but for drift net fishing the universal opinion of fishermen is, that it is very injurious?—It is an opinion in which I perfectly agree.

4558. Mr. *Cooper.*] To what Company did you allude just now?—The South of Ireland Fishery Company.

4559. Have they many trawlers now?—Yes.

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4560. Have they large boats?—Yes, they have very fine boats.

4561. Do they cure their fish at sea?—They have not done so yet, they were only established the year before last.

4562. Do you know whether they intend to do so?—Probably, for the letter to me asks which I think the most favourable station for them to establish for curing.

4563. Did you hear the evidence of Captain Brabazon, in which he suggested that large boats might go round the coast, and employ local fishermen?—I did not.

4564. He suggested that they might go round the Western Coast of Ireland, particularly in the summer season when the fishing was good, and that they might employ local fishermen to take the fish and cure the fish in their boats; you have not read that evidence?—I have not.

4565. Do you think that that plan could be carried out?—I do not know how it could be done; it would be a very speculative course for the owner of a boat to pursue. I think it much better to have it undertaken by some substantial parties in the fishery, and that if it was successful it would be carried out.

4566. On the western coast the sea is so rough that they can only fish for two or three months in the summer?—Yes.

4567. The evidence is that it will not pay for boats to be fitted out on the western coast for that purpose?—So I believe.

4568. Captain Brabazon suggested that fishermen might go round from the other coast and employ local men and boats to set cod lines, giving them protection in rough weather?—That was the practice in the time of the bounties. For a very considerable time back it was the practice with the Skerries men to cure their fish upon the island of Bofin, and bring it home.

4569. Were their boats large enough to keep the sea?—Yes, the boats at that time were very fine boats. They continued that measure rigorously during the time of the bounties, but when the bounties ceased they discontinued to be fishermen, and they have rather become carriers, and turned their vessels to another account.

4570. You explained to us yesterday the case with respect to the bounties; amongst other things, were there any loans made by the Government to be repaid?—Yes, there was an annual grant of 5,000 *l.* for that purpose, which was allowed to accumulate, and which was applied to the purpose of lending money for various objects.

4571. The line fishermen in Dublin Bay do not wish the restrictions to be removed, do they?—Certainly not.

4572. Mr. Good said that it would be a great advantage to the trawlers if they could trawl in the bay in the months of November and December?—Yes.

4573. That is the time when the line fishing is most active?—No doubt.

4574. Then there would be constant collisions between the two modes of fishing if the restrictions were removed?—Yes; those are the periods when the weather is so rough that they cannot trawl outside.

4575. You say that very little is known of the habits of the sea fish; do you think that the Government ought to institute inquiries into that subject, and to collect information?—I think that there is a great deal to learn.

4576. The French Government have been very active in that respect?—They have.

4577. Have they published the results of any of their inquiries?—They have published their decrees and the information which they have received; in fact those experiments are only now in progress of being carried out by them.

4578. But they are now inquiring into the habits and migration of fish?—Yes; and they are establishing upon various parts of the coast reservoirs where they can bring the fish under control; I believe that they are doing it in Brittany.

4579. Do you think that something of that sort would be desirable as respects the Irish Fisheries?—Yes; because I think that we are deplorably ignorant upon the subject; I confess that I am.

4580. Do you think that the services of the Revenue Cutters might be made available in that respect?—No doubt of it.

4581. I think that you have stated that the Dublin Bay line fisheries have gone down greatly?—I think that they have gone down every where.

4582. In your last Report it is stated with regard to Dublin Bay, "Boats and gear of the second class considerably improved; considerable signs of improvement, and prospects good"?—That is from the coast-guard.

4583. Do you agree with that?—I am sure that they have the best opportunities of knowing it.

4584. They state that there has been "no emigration during the past year?"—Yes.

4585. Do you know whether the quantity of fish has decreased upon the French coast?—I have not heard.

4586. You gave in a return of losses, supplied by a coast-guard officer; do you think that is exaggerated?—I think not; he is an officer in the navy, and is a very intelligent man.

4587. £. 100 represents a good deal of loss in three or four months?—I believe that it does occur.

4588. Is there a good trawling ground in Donegal Bay?—I think that there is.

4589. You say that it is not a very important fishery?—It is not a very remarkable fishery.

4590. But do you think that there is good ground there for trawling?—I think so.

4591. With regard to the prohibition of trawling by night, that is to reconcile the different modes of fishing as regards trammel nets, and line fishing and trawling?—Yes; giving each a portion of the 24 hours.

4592. There is a great difficulty in reconciling the interest of the trawlers, and of the other fishermen?—Very great difficulty.

4593. Have you any knowledge of the expense of boats?—I have generally understood that something like 10 *l.* a ton may be taken as the cost of fitting up a boat.

4594. Does that include the nets?—No.

4595. The nets would cost about how much?—It would depend upon the length of them; they would vary from 100 *l.* to 200 *l.*, depending upon whether it was for the herring or for the mackerel fishery.

4596. What would a boat of 60 tons cost?—She ought to be fitted out, including nets and altogether, for about 800 *l.*

4597. Mr. Andrews has stated that a boat of of 60 tons would cost about 1,300 *l.*, is that rather an exaggeration?—I have no notion of anything

an ything of the kind; I think that it may be got for less.

4598. Lord *Claud John Hamilton.*] With respect to piers and harbours, you have stated that reports are furnished to you by the county surveyors regarding the state of the harbours?—Yes.

4599. I think that the date of the Report which you have delivered in was November 1865?—Yes.

4600. In any case have those Reports been acted upon by the Board of Works?—No; they have no general power; it was a mere voluntary thing on their part to place themselves in a position to know what the circumstances of each case were. Those piers have been transferred by statute to the grand juries, and in the first instance an application must have been made to the grand juries, and that must have failed before the help of the Board of Works could be called into action.

4601. In case the Grand Juries refuse to repair those piers, then the Board of Works may repair them?—Yes.

4602. Are you acquainted with the coast of Donegal?—Yes.

4603. There are a great number of piers upon that coast wanting repairs?—It is very generally the case.

4604. Have not the county refused to repair them?—I have not heard. I should mention that I think that this question probably arose from complaints made to the Treasury, and the Board of Works were required to obtain the information through the county surveyors; and an abstract of it has been transmitted to the Treasury.

4605. Mr. *Cooper.*] And they may possibly take action upon the Report?—It is possible; they are all-powerful.

4606. Colonel *Annesley.*] In answer to Colonel Vandeleur, you stated that the trawlers had trawled out the ground; I forget what district it was?—Dingle.

4607. Do you believe, and do you wish the Committee to believe, that any part of the sea bottom was really trawled out for any length of time?—It is a question which I have asked of some of the most zealous advocates of trawling, and they have admitted that it is quite possible.

4608. Has it occurred?—I can only tell you what I have heard, namely, that those who advocate an entirely free trade in trawling, have admitted the perfect possibility of a ground being trawled out.

4609. Supposing that every fish was taken out of it, do you not think that a large supply would immediately come in from the open sea to fill it up?—It is quite possible.

4610. Is it not a positive matter of certainty that such would be the case?—It is quite possible.

4611. Mr. *Cooper.*] You have mentioned a Mr. O'Flaherty on the southern coast, who was employed on that coast to go out in a trawler?—Yes.

4612. Is that the only instance in which you have employed such a person?—I believe so; we have never done it anywhere else. The question perhaps was more discussed in Galway Bay than in any other part of Ireland; and we had more difficulty in coming to decided opinions, and that was one of the modes of proceeding adopted there.

4613. Do you approve of that mode?—I think that it is a most excellent mode, namely putting a person on board a trawler and requiring him to observe the general habits of the trawler, and to examine the contents of the trawl bag and to see what kinds of fish are brought in. I remember Mr. O'Flaherty's stating that a great quantity of unsizeable fish was brought in.

4614. Was it very expensive?—No, he was in the coast guard service, and it was a sort of gratuity which he got.

4615. Could you employ anybody on the Dublin coast for the same purpose?—I think it very desirable.

4616. *Chairman.*] In reply to an honourable Member you have stated, that on the one hand trawlers assert vehemently that they did not take up the spawn of fish in the shallow water, and that on the other hand long line fishermen asserted that they did; were you ever able to arrive at a satisfactory conclusion as to the actual spawn of the marketable fish being taken up in shallow bays by trawlers?—I have always doubted it. I never could satisfy my mind that there was a positive objection to it.

4617. Under those circumstances would it not, as suggested by the Honourable Member for Sligo, be exceedingly desirable that the Government should authorise some experiments with the view of taking up spawn at those places, and ascertaining whether it was really the spawn of valuable fish?—Very desirable.

4618. That, I believe, has never been done?—No.

4619. Would it not be likely to go a great way in clearing up the question?—Yes.

4620. Does not seining do a great deal of mischief in bays?—I believe that the seines take a great quantity of small and unsizeable fish. Fish are very capricious. I do not think that the quantity of fish destroyed by the seine is anything like a sufficient objection, when compared with the great productiveness of the seine, for a seine is never put out except there is a large shoal of fish.

4621. Is it not the cause of very great loss and inconvenience to trawlers to be obliged to remain for a long period in bays without being able to trawl in the deep sea; do not they complain that their crews and their vessels remain idle?—When the weather is very bad they sometimes complain. In Galway Bay, for instance, they have complained that they ought to be permitted to come farther in, in consequence of the weather being so severe that they cannot trawl outside.

4622. If the long lines were properly buoyed, is it not almost certain that the trawlers could avoid them?—I do not think so; the evidence which we have received upon the subject is, that they would go through them.

4623. Do not long lines extend sometimes for miles?—Yes.

4624. Under the statute law, cannot a long line fisherman right himself if his lines are taken away?—Yes, if you can identify the parties who have taken them.

4625. As regards the close season which you have spoken of, would you have it the same all round the coast, or would you vary it as you used to do in the salmon fisheries?—I would vary it; I would not make anything minute in that way.

4626. Do not the seasons for spawning very much overlap each other; and if you had a close

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season would you not be likely to interfere with the capture of a valuable description of fishing at particular periods when they might not be spawning?—There would be great difficulties in it.

4627. Mr. *Bonham-Carter.*] I understood you to say that trawlers admitted that the trawling out of a ground was possible?—Yes.

4628. Did you pursue that admission at all by asking them whether trawling on a ground produced any effect in successive years—No; but they always accompanied that admission by a statement that no doubt that ground would (as the honourable Chairman has observed) become stocked again; but they admitted that for a time they might trawl it out, and that they thought it better for a time to go elsewhere, and to allow the fish to accumulate on the ground.

4629. Do these trawlers appear to you to keep anything like a record of their experience, which would be available to you?—Some of them profess to keep statements; but they are generally a class of persons who are not very much to be relied upon in that way.

4630. Am I to understand you that the admission on the part of trawlers, that the trawling out of ground was possible, only meant that it was very probable?—I only tell you what has been admitted to me. I generally got at the opinion of some person really interested in trawling and who understood it, and he has admitted that it is quite possible; and the fact which I mention of an intelligent company having requested to be permitted to fish in a particular locality, exclusively of others, proves that they thought that too many trawlers in the same place would trawl it out.

4631. For a time?—Yes.

4632. That it necessarily followed that the successive harvests of fish were seriously interfered with?—Only for a time.

4633. I observe that you state in your report that on the whole the evidence of the fishermen prosecuting different sorts of fishing, was to be received with very great doubt, because it was very much biassed by the prejudice as to their own particular portion?—Decidedly.

4634. Do you not suggest that something reliable by way of evidence should be obtained?—Yes.

4635. And that has been forced upon you by the impression on your part of the great difficulty of getting not merely faithful evidence, but evidence which is based upon sufficient data?—Clearly.

4636. Do you believe that the coast-guard officers would execute their duty, in this respect, with much greater energy if they were under distinct additional orders, and received some extra remuneration?—I am quite sure that they would.

4637. Do you think that they utterly ignore this duty, excepting in filling up replies to questions which you send them?—Not all; there are a great number of them who are extremely zealous, and are quite anxious to co-operate with us without any additional remuneration, particularly the heads of the departments. I think that the evidence of one or two of those gentlemen would be extremely valuable to this Committee; they are disinterested, and are, generally speaking, free from any bias; I have always found them so. There is one gentleman, whom I have never had the honour of seeing, but who, from his correspondence, and from what I have heard of him, is extremely intelligent, that is, Commander Gooch, the Inspecting Commander of the Skibbereen district.

4638. I have asked you this question, because I observe that in your report you suggest that a daily record should be kept by the coast-guard officers, the Admiralty paying them some remuneration?—Yes, it was proposed in the report for the year before this.

4639. *Chairman.*] Is it the case that a very great increase in the capture of fish has taken place at Dingle since your Board removed the restrictions?—I only know it from Mr. Andrews. I do not know it of my own knowledge.

4640. In your report for the year 1866, you state, "The progressive improvement in the condition of these fisheries, which we had last year the satisfaction of recording, we have now again the pleasure of stating has continued to be manifested during the past year." In your report for the previous year you state, "During the past year the condition and progress of these fisheries continue to exhibit, on the whole, a manifest and decided improvement as compared with their state a few years back." That refers more to the eastern coast than to Ireland, generally, does it not?—It does.

4641. Taking the 38 districts, the coast-guard returns show a decrease in 29 of them?—Yes.

4642. Is there anything that you can add to the evidence which you have already given to us?—I have a document which perhaps may be judged important; it is a relative calculation of the advantages derived by Scotland and Ireland, showing under various heads what money Scotland has had, and what money Ireland has had; and showing that there does not appear after all to be so very serious a difference if you take into account the advantages which Ireland has had in the improvement of its harbours; the whole is given in detail in this document, which, with the permission of the Committee, I will take the liberty of offering. (*The Witness delivered in the document,* vide *Appendix.*)

4643. Does anything further occur to you?—I think not; if anything should arise which I think may be of interest to the Committee, I will take an opportunity of furnishing it to them.

Monday, 1*st July* 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. Cooper.
Lord Dunkellin.
General Dunne.
Mr. Ion Hamilton.
Mr. Kavanagh.
Mr. Shaw Lefevre.
Mr. Malcolm.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

Mr. ALEXANDER STEWART, called in; and Examined.

4644. Sir *Graham Montgomery.*] DID you hold any appointment under the Board of Works in Ireland?—I did.

4645. In what capacity?—I was solicitor to the Board of Works.

4646. How long did you continue in that appointment?—Thirty-five years; ever since the formation of the Board, until within a few months ago.

4647. It is only a few months since you resigned that situation?—Yes.

4648. You are not now in the same situation?—No.

4649. Have you read the proposed Bill?—I have.

4650. Have you read the analysis of this Bill which has been prepared by the chairman as ordered by the House to be printed?—I have.

4651. What is your opinion as to the necessity of the proposed measure?—My humble opinion is that it is not necessary at all. The public have the services of two very valuable Commissioners in the present Commissioners of Public Works, namely, Colonel M'Keilie and Mr. Le Fanu, both of whom have had considerable experience, and one a great deal (namely, the chairman), with regard to fisheries, and the conduct of the department. I think that it would not be for the advantage of the country that they should be deposed, or that their duties should be transferred to others, and more especially as those to whom those duties are to be transferred, who are called inspectors in the proposed Bill, are actually Commissioners, and are the controlling body. So far as my judgment goes, I think that the appointment of inspectors, really so, and whose duties are confined to the duties of inspectors, would be of great value to the Board in carrying out the public interest. I think that they are short of hands in that respect.

4652. How many inspectors would you recommend to be appointed?—That is a question more for practical men than for myself; but from what I do know of the working of the matter, I should say that at least two, if not three, would be very useful.

4653. I mean independent of the Fishery Commissioners of the Board of Works?—Independent of the existing Commissioners altogether.

4654. Do you think it right to transfer the powers of the existing Board to these inspectors?—I do not indeed.

4655. You think that the present footing upon which the fishery matters in Ireland are managed is satisfactory?—Yes; and I think that it is much more efficient than it would be as proposed by the Bill.

4656. You mean that you think the present mode more efficient than if the inspectors proposed by the Bill were made Commissioners?—Yes; I think that it is a mistake to call them inspectors throughout the Bill, while at the same time you clothe them with all the authority of Commissioners.

4657. Do you think that one Commissioner of Fisheries for Ireland is sufficient, associated with the other Commissioners of Public Works?—I do. I should also mention that of course the creation of a new establishment would be attended with very considerable public expense; there must be a separate body of Commissioners; they must have a staff; they must have an accountant, and solicitor and secretary, and all the rest of it, and there must be the usual expenses; in short, it would be the creation of a new Commission.

4658. You think that it would be much to the advantage of the Irish fisheries, that the present system should continue?—I do.

4659. Improved by the appointment of additional inspectors?—Yes.

4660. Will you have the goodness to refer to the honourable Chairman's analysis, and give to the Committee your views upon that paper?—The analysis is pretty nearly to the same effect as the Bill. This analysis appears to be an analysis of what the Bill purports to enact. By it, it is proposed in the Bill to make loans upon the principle of loans already made under what are commonly known as the "Land Improvement Acts"; and in order to show how inapplicable in my judgment that is to the present case, I think that I must explain to the Committee what are the principles upon which loans are made under the "Land Improvement Acts." Under those Acts, any owner of an estate, if he is either seised in fee, or tenant for life, may apply to the Commissioners of Public Works, and obtain a loan for the improvement of that estate; and if it appears on the necessary investigation which takes place upon

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upon that application, that a return or a benefit is to result to the amount of 6½ per cent. at least, then the loan is made, that 6½ per cent. being the rate at which the rentcharge in respect of the loan is calculated, and which repays the loan in 22 years. Nobody is injured by that; the tenant for life cannot injure his remainderman, nor can it injure the incumbrancer if he be owner in fee, or even tenant for life, and the benefit descends to the remainderman, or to the heir, as the case may be. Now to apply that principle to the first object of this Bill, namely, the creation of oyster beds, I think would be monstrous, because a license to create an oyster bed is really what the term implies, merely, a liberty to make that oyster bed. It may belong to the owner, or it may belong to a stranger. I therefore think that it would be wrong to allow a tenant for life to charge his estate in respect of a thing which may very possibly perish, and not result in any benefit to the property.

4661. And it might not go along with the estate?—It might not go along with the estate: in fact, it cannot go along with the estate, because it is a license to plant oyster beds above or below low-water mark.

4662. Mr. *Shaw Lefevre.*] It would not necessarily descend with the estate?—Not at all; it is a thing which the licensee might transfer in the year after, to you, or to me, or to anybody else; it is not a thing which would at all follow the limitation of the estate; it might be granted to an utter stranger not being interested in the estate, after it had been originally granted to the owner of the original estate.

4663. Sir *Graham Montgomery.*] Will you have the kindness to explain exactly to the Committee the title of a party having a license for an oyster bed?—It is a simple license, and an authority to lay down oysters; it gives no estate in what I may call the soil of the oyster bed; it gives nothing but authority to plant the oysters.

4664. *Chairman.*] You have stated in reply to the honourable Baronet, that although the owner of an estate might plant oyster beds, and obtain a loan from the Board of Works under the Bill, yet those oyster beds would not, under the Bill, descend to the inheritor?—I think not; certainly not under the existing law.

4665. Have you read the sections of the proposed Bill, empowering loans to be granted?—Yes.

4666. Those loans are only to be granted if security, satisfactory to the Board of Works, be given?—Yes.

4667. Sir *Graham Montgomery.*] Is there anything further which you wish to say with reference to the oyster bed question?—There is just this, that under the existing law it is further to be observed that the licenses for oyster beds are all subject to such conditions as may be imposed at the time, by the Commissioners granting those licenses. It has of late been very common to introduce a provision in those licenses, that if the licensee does not cultivate beds as he ought to do, within a certain time (indeed, I think, that is the law of last Session), his license is void. I think that that would be a further objection to any loan for an object of that kind.

4668. Then, in point of fact, the Board of Works, who recommend a loan for these oyster beds, would look to the security of the land for them, and not to the oyster beds alone?—No doubt they would.

4669. And you do not think that it would be fair to charge the land for the creation of a property, or of an interest, which might not always go along with the land upon which the rentcharge was made?—Which to my mind never would do so, and which is subject to the contingencies I speak of. The Act of last Session was "An Act further to promote the cultivation of Oysters in Ireland, and to amend the Acts for that purpose." Section 10 of that Act is, "That notwithstanding anything in any license heretofore granted, or hereafter to be granted, by the Commissioners, the same shall be determinable by a certificate of the Commissioners (which certificate they are hereby empowered to make), certifying to the effect that the Commissioners are not satisfied that the licensee is properly cultivating the oyster ground within the limits of such license, and on any such certificate being made the right by such license conferred shall, by virtue of this Act, and of the certificate as aforesaid, be absolutely determined, and all the provisions of the Acts hereinbefore recited and referred to, or of this Act, shall cease to operate in relation to such license as an oyster fishery, or otherwise; and for the purposes of this provision the Commissioners may from time to time, with respect to such license or oyster fishery, make such inquiries and examinations by an inspector or otherwise, and require from such licensee such information as the Commissioners may think necessary or proper; and the licensee shall afford all facilities for such inquiries and examinations, and give such information accordingly." Now, I think that a loan for any purpose subject to such a contingency as that, if there were nothing else in it, would be dangerous.

4670. *Chairman.*] What is that contingency?—The Commissioners may determine the license if they think that the licensee is not properly cultivating the oyster ground. It is a very possible case that the tenant for life, or any other person, may get a license, and it may turn out in the end that he has not availed himself of that license, and that the speculation (which, after all, is the term to apply to those licenses) is not a good one; but the land would be charged in the meantime, because the operation of the Land Improvement Act is to charge the land from the date of the order, that charge having priority over all other charges binding the remainderman, and taking priority of all existing incumbrances.

4671. Sir *Graham Montgomery.*] Will you now go to clause 30 of the Bill; have you any further remarks to make on the different objects for which loans are proposed by this clause?—The first object appears to be the one which we have had under consideration.

4672. Will you refer to number 2?—By that portion of the clause the Commissioners of Public Works are authorised to advance, by way of loan, money "to any such persons as aforesaid for the building of piers, cleaning or dredging harbours, erection of curing houses or sheds for the purpose of curing or drying fish, on the certificate of the inspectors that such work is necessary and important."

4673. With reference to that subject will you state to the Committee what has hitherto been the practice as to bye-laws established with regard to the erection of piers?—My opinion is, that the proposed legislation would deprive Ireland of a very valuable existing Act, which is known as the Piers and Harbours Act. There are three

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Acts for that purpose; and, under the first of those Acts, 50,000 *l.* was given as a free grant, and was made applicable to piers; under the second Act there was 40,000 *l.* That 90,000 *l.* has been expended in piers, all in the way of free grant; and the Act of last Session enables the Commissioners to carry out the same principle upon an extended scale. The grant was formerly limited under the first two Acts to 5,000 *l.* in the case of any one pier; the usual grant is three-fourths, but it is limited to 5,000 *l.* By the present Act the three-fourths are preserved, but the amount to which the grant may go in any one case is increased to 7,500 *l.*, and the only difference in obtaining the money is, that instead of the money being drawn out of the Consolidated Fund, as it formerly was, in a lump sum, to be applicable to these purposes, the grants are now to be voted by Parliament. The remaining fourth of the estimated expense of the pier is made up in various ways, either by private contribution, or by a district in a county or locality agreeing to be taxed for the payment of that one-fourth, or by a county presentment, that it shall be paid by the county at large, or by any particular barony or baronies which may be thought proper. Now I take it that that code is of much more advantage to Ireland than anything which is proposed to be substituted by this Bill. What is proposed by the Bill is, that loans are to be made; not a word is said of grants; and I think that under this Bill, if it passed, the public would lose the benefit of the grants.

4674. *Chairman.*] Certainly not?—It so strikes me as it stands; further, under this view of the case, the inspectors, so called in the Bill, are to dictate to the Commissioners of Public Works what piers they should lend money for; they have scarcely an option in the matter. Now it is absolutely necessary, that if the Treasury are to be protected in any way, and if they are to be induced to make grants, they should have the advantage of the opinion of the Commissioners of Public Works, as at present existing, by an examination of the spot in the first place, to see whether it is a suitable one for a pier or not; secondly, whether there is a security proposed which is sufficient for such portion of the estimate as may be advanced by way of loan; and lastly, that the Commissioners of Public Works should be in a condition to report to the Treasury that this case or that case is a fit one for their favourable consideration of a grant. Now, I think that the present proposal would not be so advantageous to the public as what I have just said exists under the present law.

4675. General *Dunne.*] What do you call "the present proposal"?—The proposal in the Bill before the Committee.

4676. Sir *Graham Montgomery.*] With regard to the third Act which you mentioned, what is the amount of the extended scale to which grants can be made under that Act?—£. 7,500 is the maximum, the former maximum being 5,000 *l.*

4677. Under this system of applying the funds, do you think that it is wise to allow the inspectors to certify to the Board of Works what piers are necessary?—I think not, for the reason which I have given; I think that their certificate would not have the same value with the Treasury as a report upon the special circumstances of the case by the Commissioners of Public Works, and I would further observe that the Commissioners of Public Works are to carry out those piers; it is not intended, I believe, that they are not to carry out those piers.

4678. Will you state to the Committee whose duty it is to keep the piers in repair?—It is the duty of the counties in which they are situated. By the Act of the 16th & 17th Victoria, after those piers are completed by means of a grant and a local subscription from the county, or from private parties, as the case may be, the piers are transferred to the grand juries of the respective counties in which they are situated; they are bound to maintain them; they are bound to appoint a collector of tolls (there are, I believe, tolls upon most of the piers), and to pay that collector out of the tolls, and the maintenance is provided for by county presentment in the same way; whatever the tolls amount to, they are collateral security for the maintenance.

4679. Is any other authority entrusted with the maintenance of these piers?—Yes; in this respect, that if any person in the neighbourhood feels that he has a right to complain, I think that under the Act of the 16th & 17th of Victoria, he may memorialise the Lord Lieutenant; he may call the Commissioners of Public Works into action, and if they find that the grand juries neglected their duty, the Commissioners of Public Works may make the repair, and charge the expense of that repair to the county, to be repaid by compulsory presentment.

4680. General *Dunne.*] What you call an imperative presentment?—An imperative presentment, if you like to call it so.

4681. Sir *Graham Montgomery.*] I understand you wish to make a statement to the Committee with reference to the 5,000 *l.* per annum which was stated by Mr. Andrews to be in existence, and to be withheld from the Irish Fisheries?—To my mind that was a great mistake on the part of Mr. Andrews; the subject was first broached to the public by Mr. Andrews before what was known as the Taxation Committee, of I think the year before last, and he then stated, as I recollect, that this 5,000 *l.* a year was withdrawn (I think that he said almost surreptitiously) from the Irish Fisheries, and that the Board of Works neglected their duty in not taking steps to obtain that 5,000 *l.* a year for the purpose of the fisheries. That statement came by surprise upon the Board of Works, and I was ordered to consider it and to report upon it; I did so, and my report was, with the permission of the honourable and gallant Chairman of that Committee, annexed to his Taxation Report; it is to be found there; I have a copy of it if the Committee wish to refer to it.

4682. Mr. *Kavannah.*] What is the pith of it?—It is very short; my opinion has been confirmed by the law officers of the Crown; I reported against the statement of Mr. Andrews, and Mr. Andrews's statement, as taken down from him, and my report, were submitted to the law officers of the Crown; and their opinion is very short; it is this: "We are of opinion that the original grant of 5,000 *l.* a year is not now in force, or payable, or capable of taking effect."

4683. Sir *Graham Montgomery.*] Can you inform the Committee as to the power and the habit of the Board in making bye-laws altering the close seasons?—Yes; they have power to make bye-laws for the particular purposes mentioned in the original Act of the 5th & 6th of Vict., and they have also the power to alter close seasons in respect of fisheries, including oysters; those bye-laws are made after due inquiry upon

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the spot as to the prudence or advisability of them, and then any party considering himself aggrieved by a bye-law, has the power of appeal to the Lord Lieutenant in Council.

4684. And you think that those powers should be continued to the Board?—I think so; whether they are to be limited or not beyond what they are now, is not a question for me; it is more for a man practically acquainted with fishery matters.

4685. *Chairman.*] If I understand you rightly, you say that you think that there is no necessity for a change in the fishery laws, that the present law is sufficient?—No; I did not intend to say that; I spoke of the constitution of the present Board.

4686. I was under the impression that the honourable Baronet asked you whether there was a necessity for a change in the law, or for such a Bill as I have brought in?—No; I understood the honourable Baronet to question me as to whether I thought that there was any necessity for the transfer of the powers from the Commissioners of Public Works.

4687. You are of opinion that it is undesirable to take the fisheries from the control of the present Board of Works?—I am.

4688. You have been connected with that Board, as the legal officer, for upwards of 30 years?—Yes.

4689. I suppose that you know the working of the Board pretty well?—I think that I do.

4690. Have not the Board a vast amount of business upon their hands?—They have.

4691. Are you aware that during the time that you have been an officer of the Board, the Inspecting Commissioners, Mr. Ffennell, and especially Mr. Barry, have very often made abortive attempts to get a sitting of the Board to consider fishery matters?—I do not believe it. The Inspecting Commissioners may have occasionally said, "We wish to have a Fishery Board to day," and there may have been other arrangements made to bring under the consideration of the Board business of a more important character; and I have known some instances in which the fishery business has been transferred from that day when the Inspecting Commissioners desired it to be brought forward until the next day; but I am satisfied that every facility has been given to consider with the greatest possible dispatch, all subjects which the Inspecting Commissioners of Fisheries have brought before the Board.

4692. For the due carrying out of fishery matters, I understand you to consider it essential that another Commissioner should be added to the Board?—No, I have not said that. I have said that there should be two or three inspectors.

4693. But no addition of Commissioners to the Board?—No, not for the fisheries. I think that the business which the Board have is of that magnitude that it would be much better if they had a third Commissioner of Public Works. They have in point of fact now three Commissioners, but one is a mere honorary member of the Board, namely, Sir Richard Griffith, who was formerly the Chairman, and he takes no part in the proceedings of the Board.

4694. The actual composition of the Board is now two Commissioners, namely, Colonel McKerlie and Mr. Le Fanu; and for fishery matters, Mr. Barry?—Yes.

4695. You consider that for the proper carrying out of the fisheries they are sufficient?—I do.

4696. Mr. Barry is the only Commissioner, I believe, who has a thorough practical acquaintance with the fisheries, and whose duty brings him into communication with the fishermen?—If you say "practical," I agree with you; but I think that the other Commissioners understand the subject as well as Mr. Barry.

4697. Might it not occur that it owing to any cause, the act of God or otherwise, vacancies took place as regards the other two Commissioners of the Board, gentlemen might be appointed who had very little acquaintance with the fisheries, and that a knowledge of the fisheries would not be considered a *sine qua non* for the appointment?—That might arise. All I can say is, that it has not arisen.

4698. The majority of the Board, namely, the two Commissioners who are not closely connected with the fisheries, have the power of overruling the inspecting Commissioner?—Certainly, the majority of the Board upon all occasions will rule the minority.

4699. Might it not occur that the two gentlemen whose other duties did not inform them as to the fisheries, or who had not a practical acquaintance with the subject, could overrule the really practical man?—No; because they have the advantage of the opinion of that practical man; they have the evidence which that practical man took upon the inquiry; it is all taken down in shorthand, when those meetings are held upon any particular occasions, and the subject is discussed *pro* and *con* in the Board room.

4700. Has it not sometimes occurred that the two non-practical Commissioners have overruled the practical man?—It has sometimes occurred that things have been suggested, which were not capable of being carried out according to law, and which required legal consideration as well. That point was brought into consideration at the same time, and I was frequently in conference with the Board upon those occasions, which is the means that I have of forming any opinion upon the subject.

4701. Did you ever hear of Mr. Barry being overruled as regards suggestions which he considered it desirable that the Board should carry out?—I cannot bring any such occasion to my recollection. At those meetings of the Board, I was never called in unless some legal consideration was involved.

4702. Then from your own knowledge you do not know, as a fact, whether Mr. Barry was or was not overruled upon matters on which it is to be supposed that he was best informed from the nature of his duties?—I do not know of any such case.

4703. The present Sea Fishery Board is separated altogether from the Board for the Inland Fisheries?—Yes.

4704. The Inland Fisheries are an independent department, and a distinct commission?—They are.

4705. Do you think that a Board might be advantageously formed for the control of the combined Inland and Sea Fisheries, and that Commissioners and Inspectors might be appointed who could effectually carry both out as an independent Board?—It might be formed, of course, if the Government of the day thought proper to establish such a Commission; but the establishment of such a Commission would involve a very considerable and serious expense.

4706. You stated, I think, in answer to the honourable

honourable Baronet, that having a distinct Board would considerably increase the expense?—So it would.

4707. Please state in what respect?—The honourable Baronet did not put that question as you are now putting it; you suggest, as I understand, one Board for the Inland and the Sea Fisheries. That is a question for the Government of the day to decide upon; all that I say upon that point is, that, of course, it would be attended with the same consequence as a special Board for the Sea Fisheries, or a special Board for the Inland Fisheries, namely, the creation of a new establishment, new officers, and all the rest of it.

4708. But it would be no more expense if there was a distinct department combining both fisheries, than for an increase of the Board of Works?—No; one large board, embodying both the inland and the sea fisheries, would, of course, be attended with more or less expense. The establishment might possibly do for the two, but I think that it would have to be larger if the two subjects were combined, and then it would be quite in contravention of the original Public Works Act of the 1st and 2nd of Will. 4, which made the Commissioners of Public Works, Commissioners of Fisheries.

4709. With regard to the loans for the formation of oyster beds, have you the Bill before you which I have introduced?—Yes.

4710. Whenever a loan has been proposed for any purposes under the Act for advancing money for the improvement of landed property in Ireland, you have been hitherto consulted; the proposed security has been laid before you?—Yes, but there are certain preliminaries before that, because it did not come to me until it became a question of considering the title of the party, and whether he came within the meaning of the Act or not. All the preliminaries to that, were what I have already detailed to the Committee, namely, that it should appear by an inspection of the Board's officer that an increased benefit would result from the proposed operations equal at least to 6½ per cent., which is the amount of the rentcharge, by means of which the loan is repayed, embodying principal and interest, the interest being, I believe, at the rate of about 3*l.* 7*s.* per cent.

4711. According to the 30th clause of the Bill, it is proposed that the Board of Works may advance a loan for the purpose, upon the report of the Inspector that the project is a good one, and upon the Board finding that the security is satisfactory?—Yes.

4712. The Inspector first sees whether the oyster laying is likely to be a paying one; he will assume that he reports that it is, and then the Board of Works upon being satisfied that the security is good, would make the loan?—Yes; but what I respectfully object to is the importing of the Land Improvement Act and its provisions into a loan of the kind.

4713. But at present the Board of Works grant loans for any purpose above high-water mark; is not this only proposing to extend the powers below low-water mark, for the formation of oyster beds?—Yes.

4714. I will put a case to you: supposing that the owner has the whole control over his property, and that he may will it as he pleases, would you, in such a case as that, see any objection to his obtaining a loan for planting an oyster bed adjacent to his property, where he is not a limited owner?—I would; and I would object to either public money, or the private money of a private friend being lent upon a security depending on a license in the terms which I have already mentioned, subject to so many contingencies as it is.

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4715. But under the Bill you do not advance the money unless you are satisfied with the security?—You need not import the Land Improvement Act into it at all, there are other matters available. The Land Improvement Fund is a distinct fund from the general fund of the Board applicable to loans in general; grants have been made from time to time, the last, I believe, being a million of money.

4716. Your objection is to importing the Land Improvement Act?—I object to importing that principle, which might be attended with all the consequences which I have endeavoured to describe to the Committee.

4717. If the form were changed, your objection would not be so strong?—It would not be so strong, certainly, but still, I think, that it would be objectionable to lend public money for what may perish.

4718. You have spoken of the injustice to the inheritor of granting such a loan?—Of obtaining such a loan.

4719. Your objection, I take it, is more to the form than to the principle?—My objection would not be so strong if the form were changed; but I object to both form and principle.

4720. Would you be likely to recommend such a loan if the form were changed?—I shall never have the opportunity of advising the Board again; but as regards the principle upon which I have hitherto gone, the inspectors proposed to be appointed by the Bill for making loans upon the estates would in my opinion be as ignorant as myself with reference to small loans for oyster beds, and therefore the Board would get no advantage from them.

4721. With regard to loans "for the building of piers, cleaning or dredging harbours, erecting of curing houses, or sheds for the purpose of curing or drying fish," are you of opinion that if this clause were passed it would prevent grants being made under the existing law?—I am.

4722. Do you think that in cases where the locality or an individual might advance one-fourth and the Government might give three-fourths, and where it would be desirable to have such an improvement made, this clause would totally prevent it?—I do; I think that it would altogether throw aside the Commissioners of Public Works, and I think that it would be most desirable to prevent that.

4723. You can very well understand, from your knowledge of fishery matters, that a person might have a few trawls, and in such a situation that none others but himself would derive advantage, and that he might be willing to pay the whole amount for that convenience out of his own pocket?—I cannot imagine many such cases.

4724. Might it not occur that it would be a convenience to a certain person to have a slip made, such as has been described as being very desirable on the western coast of Ireland, or a work in the shape of a pier or small harbour, or for dredging out a harbour, where there would not be such general advantage as to warrant the Board in laying out public money, but where the person himself might derive advantage

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from laying out money?—There could be no objection to that, and to lending money to that individual.

4725. He paying the whole amount himself?—Quite so.

4726. Do you then still think that the passing of such a clause as this, with such an object as I have stated, would have the effect of preventing the public grant altogether?—No; it would not prevent the public rights altogether; but with great respect to you, or to whoever framed this Bill, the importing of the principle of the Land Improvement Act is, in my opinion, productive of mischief, and ought not to be here at all. It is another thing to introduce a clause making such a matter as you now speak of the subject of a loan under the Public Works Loan Acts generally, but not under the Land Improvement Act.

4727. With the explanation which I have given to you, do you think that this clause would prevent public grants being made?—I think so; unless the Land Improvement Act was altogether excluded from this Bill, and unless there was an expression in the Bill saying that nothing was to interfere with the 9 & 10 Vict. c. 3, and the 10 & 11 Vict. c. 75, and the Act of last Session.

4728. The Board of Works now have the power of advancing three-fourths of the money for a pier or harbour, one-fourth being subscribed by the locality?—Yes.

4729. I must again ask you, would this clause, the intention of which is to enable private individuals to borrow money in certain cases, and to pay the whole amount for such a pier or harbour or work as I have described, have the effect of preventing public grants and loans altogether?—Yes; I do not think that they would mix themselves up with private works of that sort: I do not think that they could be expected to do so.

4730. That is a different question altogether; but if I understand you correctly you said that if private individuals were allowed to borrow, according to this clause, the whole amount for a work, it would have the effect of completely setting aside a public grant, and that a public grant could be no longer made?—Surely if a party applied for a loan to the full amount of the estimate he would be depriving himself of the public acts to which I have adverted, under which three-fourths of the money might be made a free grant.

4731. I am only speaking of cases where the Board of Works would not consider themselves warranted in making a grant of three-fourths?—Then for such an object I take it that public money might be lent under the existing Public Works Act, totally irrespective of the Land Improvement Act, and on the party giving such security as would be satisfactory.

4732. For the whole amount?—For the whole amount, of course.

4733. You consider that under the existing law the Board of Works have the power to advance the whole amount in any case where they could not make a free grant?—Yes.

4734. Mr. *Shaw Lefevre.*] I suppose that that is only under the idea that the erection or pier would be a permanent improvement to the estate?—Yes; if it remain his own private property.

4735. You would then lend money upon the security of his estate?—Yes; but I would not enable a tenant for life to prejudice his remainderman. I would let the person who projected the thing, judge of its advantages, and take its consequences.

4736. Mr. *Kavanagh.*] Then you would not consider that the erection of a pier upon the estate of a limited owner, could confer sufficient advantage on his estate for the Board of Works to grant a loan?—Certainly not.

4737. *Chairman.*] The Board of Works cannot at present make any public grant unless one-fourth is subscribed in some way by the locality?—At least one-fourth; sometimes it is more. They generally go as far as they can, where the work is useful. The Commissioners feel it desirable to recommend to the Treasury to grant as much as they can, particularly if the great object is a fishery pier. Sometimes fishery advantages are to a certain extent associated with commercial advantages; commercial advantages should be paid for by the individual or by the locality.

4738. Has it not often occurred, that in localities where a fishery pier is desirable, the requisite sum has not been able to be raised?—I have never known any case of that sort.

4739. Colonel *Annesley.*] With respect to the difference between a fishery pier and a commercial pier, how would you define that difference; because it is pretty well known that wherever there is a pier for fishery purposes, advantage is taken of it for small coasting vessels; so that in point of fact, is not every fishery pier also a commercial pier?—No; scarcely that, because many of them are of such a small character, that they would be of no advantage at all for commercial purposes.

4740. We will say a pier which would be sufficiently large to be used for coasting vessels; I think that it is not quite clear to the Committee what the present law is upon the subject. Supposing that a proprietor under the present law wishes to build or to add to a pier, which may be used for both purposes, what steps would he take, and what proportion would he have to pay?—The proportion which he would have to pay must depend upon circumstances.

4741. In the first place, what steps would he take?—He would present his application to the Board, and state that such a pier had been erected in such a year, and that he wished to enlarge it, and that the estimated expense would be so and so. But a private individual would be very slow to do that, if it was his own private property, because the effect of a grant and of bringing it under the Piers and Harbours Act, would be to send it on to the county, and he might or might not like that. I know one instance, where it was objected to, and the individual did not obtain the loan or grant.

4742. Supposing the pier to have been made, and that he wished to add to it, it being a small pier, what steps would he take under the present law with the view of obtaining a grant?—He would make an application to the Commissioners, and would present an estimate with his application; the Commissioners would have that estimate considered and corrected, and would then propose to make him a grant and a loan.

4743. Can you state the proportions?—I cannot; it would entirely depend upon circumstances.

4744. It is not laid down?—No, the words of the statute are "not exceeding three-fourths in the way of grant."

4745. It

4745. It would be at the option of the Board?—Yes.

4746. I understood you to say in answer to the honourable Chairman, that if his proposal of a new establishment were carried, there would be no more expense to the State; would it not be necessary to have an accountant, a secretary, a solicitor, and so on?—Yes; I think that I have so stated.

4747. In your examination by the honourable Chairman, I think that your answer was a little at variance with what you stated to Sir Graham Montgomery?—I think not.

4748. I understood you to say that there would be no increased cost to the State, supposing that the proposed change was made as regarded the sea fisheries?—There would, of course, be an increased expense.

4749. If so, what would be the increased expense?—There would be the so-called inspectors; there would be Commissioners. They must have a staff to carry on their business; that staff must consist of a secretary, two or three clerks, a solicitor, and a travelling establishment. If they are to be Commissioners and inspectors, they cannot be always inspectors; they must do a little Commissioner's duty occasionally. What I said in answer to the honourable Chairman's question was this: he proposed to join the inland and the sea fisheries, and I said that there would be a greater expense in the two than in the one, but the same class of establishment would do.

4750. *Chairman.*] What I meant to convey to you was this: if the inland and sea fisheries were combined in one department, would the cost of carrying out that combined department be more than if the sea fisheries still remained under the Board of Works, with the increase which you speak of?—I apprehend that it would be a little more, and the reason why I state that is, that the present expense of the Commissioners of Public Works in carrying out the sea fisheries I believe is comparatively not great.

4751. Colonel *Annesley.*] Supposing that you had the power of carrying out the existing arrangements, what would you think it necessary to do in increasing the staff; would it be necessary, in your opinion, to appoint one other inspector of sea fisheries, which would make two inspectors, and to let them remain under the Board?—I do not think that one would be enough.

4752. How many would you propose; would you have three altogether?—I would have two at all events.

4753. There is one at present?—There is an inspecting Commissioner, and that is the difference, and I think that I overheard him say, the other day, that he was not so young as he used to be, and that he did not inspect so often as he used to do.

4754. Then, you would have one inspecting Commissioner, and two inspectors?—I do not propose at all to interfere with the present establishment of Commissioners, either the Commissioners of the Board of Works or the inspecting Commissioner, but I propose that they should carry on, as hitherto, the sea fisheries, with the addition of inspectors appointed for the purpose of going round the coast, and making such inquiries as from time to time might appear to be necessary, and reporting to the Commissioners.

4755. Then, you would leave matters as they are, with the addition of two inspectors?—Certainly.

4756. Colonel *Vandeleur.*] Do you not conceive that the Inland and the Sea Fisheries Boards could be combined for the purpose of a general inspection by both; that is to say, that the same inspectors could do the duty, for this reason, that a great portion of the salmon fisheries is carried on in tidal rivers; and when an inspector goes down to inspect the salmon fisheries in the tidal rivers, and in the estuaries, he can equally direct his attention to the coast fisheries; otherwise you would have two inspectors, one coming down to see how many sea fish were taken, and the other to see the state of the boats and the men employed for the purpose of the capture of salmon?—That is a practical question which I do not affect to be any judge of; I think that a good deal would depend upon the character of the inspectors and the class of men that they were.

4757. You understand what I mean?—I do, perfectly.

4758. That the inspectors would have to visit the very same districts?—Yes; and they might be clashing.

4759. One would be inspecting the salmon arrangements, and the other the sea fishing arrangements?—Yes; the question would be, whether those two classes of inspectors could do anything to thwart each other; I am not aware how that is.

4760. Are you aware that the same boats and the same men are used for the different kinds of fishing at different times of the year?—Yes.

4761. Therefore the inspectors would be reporting doubly, as it were?—They would; but as I have said before, I cannot form any opinion as to whether it would be right or proper, because it requires a practical head to give an opinion upon that point; I know nothing at all about fishing.

4762. Do you conceive that as the department works at present it works well; that is to say, by the inspectors at present reporting to the Board of Works, and the Board of Works reporting to Parliament, or rather to the Lord Lieutenant?—I do.

4763. Do you see any objection to it as it works at present?—Not at all.

4764. Has any inconvenience been found?—Not any that I have heard of; in fact it is reporting to Parliament, only sending it through the Lord Lieutenant, and, I take it, that the Board are at present under the joint control of the Lord Lieutenant and the Treasury; the Treasury appoint the officers; they report to the Lord Lieutenant, and the Lord Lieutenant in Council either sanctions or rejects their bye-laws as he thinks proper.

4765. You have read this proposed Act?—Yes.

4766. Do you conceive that it can be taken as a consolidation of the fishery laws?—I take it that it is a consolidation of the sea fishery laws.

4767. That is to say, according to the views of the honourable Chairman?—According to the views of the framer of this Bill, whoever he was; it was, I believe, introduced by the honourable Chairman.

4768. Do you consider that a consolidation both of the salmon, and of the sea coast fishery laws would be desirable?—I do not know whether it would or not; that is again a practical question, and I think that it ought to be determined

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mined by the Government after due consideration.

4769. Your opinion is that the consolidation ought to be made by the Government employing their own solicitor to make that consolidation; that the Government ought to bring in a Bill?—Let the Government consider the question in its entirety, and let them say what should be done upon the subject; it is not for me to offer any opinion upon that point.

4770. You, of course, offer no opinion upon the different alterations which are proposed in this Bill as to regulations for trawling?—No: I know nothing about that; all that I presume to offer an opinion upon is, with regard to the advance of public money upon the security proposed, and I have already endeavoured to show that as well as I can.

4771. The following statement is contained in the analysis: "With regard to the first division, the repeal of all existing statutes, this is necessary now from the very complicated code of laws at present in force, and their consolidation alone without amendment, would be a matter of great public utility"?—I quite agree with that; I prepared a Bill some years ago with that object, but that Bill was before the establishment of the special Inland Fishery Board.

4772. But that Bill would apply in a great measure now, if it was reproduced with some alterations, and if it was brought in in the next Session of Parliament?—Yes.

4773. Lord *Dunkellin.*] You have stated that you do not think that the reports made by the inspectors under this Bill, as to laying out money upon harbours would not be so favourably received as the reports of the Board of Works; will you state why?—The Board of Works are constituted to ascertain in the first instance the desirability of the work, and next to give a report to the Treasury how far it would be desirable to advance money for the purpose; they must give a full report now, and as the Bill stands the inspectors would only tell the Board of Works whether the pier was necessary, and they would only have to transmit that report to the Treasury, and they would themselves know nothing about it.

4774. Why should not the opinion of the inspectors be as valuable as that of the Board of Works?—First of all I do not think that probably the inspectors would be of such a character that they could judge of the building which would be necessary, and the structure which ought to be erected.

4775. You mean on engineering grounds?—Yes; they might suggest that such a locality required a pier, but unless they were a different class of men from what I understand an inspector to be, I do not think that they would have the means, scientifically, of judging of the prudence of the measure, or how it should be carried out, or of having a proper plan for the purpose.

4776. You think that they would not have professional experience?—Quite so.

4777. Was the money which was laid out at Howth Harbour laid out under one of the Acts to which you have referred?—No; Howth harbour was originally a packet harbour, and was vested in special commissioners for the purpose; then it was in a measure connected with the Holyhead road, but it has been vested for many years back in the Commissioners for Public Works; it is a public harbour, the property of the Board, in trust for the public, and does not at all come into the category of the other piers. It so far benefited by the Piers Act that an Act of two sessions ago authorised the Commissioners of Public Works, with the sanction of the Treasury to apply a sum not exceeding 5,000 *l.* in the necessary excavation which was required for the improvement of that harbour, which had silted up, and to which I believe that it is sometimes likely to be exposed, and that 5,000 *l.* has been expended, I believe, if not all, nearly all, in the improvement which has been effected.

4778. Then the keeping up of the present harbour has devolved upon the Board of Works, as trustees for the public?—Yes; it is totally irrespective of the keeping up of the piers which we have been considering.

4779. Do you look upon the Board of Works as being bound to keep it up in a good state of efficiency?—Yes, as far as the funds available for the purpose will enable it to be done.

4780. What are the funds?—They are the tolls, and some small property.

4781. It is the revenue which Howth Harbour itself produces?—Yes.

4782. There is no other fund?—No.

4783. Any public money which is necessary for the improvement of the harbour must come out of the public exchequer?—It must be voted by Parliament.

4784. General *Dunne.*] I understand that the amount received at Howth, in tolls, and otherwise, is about 800 *l.* and odd a year?—I think that that is an exaggerated amount.

4785. That sum was given by the secretary of the Board of Works?—He ought to know.

4786. Do you think that it has been laid out to the full extent?—I cannot tell you.

4787. Do you think that Howth could, under any arrangement, be restored as a port?—I would not venture any such opinion.

4788. I think that you prefer the present system of loans to the one which you say is proposed by the Bill?—Very much.

4789. Therefore, in your opinion, there would be no object in putting into the Bill any new arrangement of that kind?—Certainly not; I think that it would be prejudicial,

4790. And I understand you to say that you think that the whole Fishery Department should be a department of the Board of Works?—I think that the sea coast fisheries are now worked quite as well, so far as I can form an opinion, as they would be in the manner proposed, and that the present Board of Works with the increase of the staff which I have mentioned, could carry them out sufficiently.

4791. Then you merely contemplate an increase of the staff?—Yes; the present Commissioners are all men of great experience.

4792. You think that the inspectors under the Commissioners should merely point out the locality required, and leave the construction to the Board of Works?—The inspectors should be inspectors only, and not Commissioners, which, indirectly, this Bill would make them.

4793. In the case of the construction of new piers, what provision would you recommend for their maintenance?—I think that there is nothing so just as the present arrangement, namely, that the counties in which they are, should maintain them.

4794. Are the present piers, which are under the counties, kept up in proper order?—Many of them are, and possibly some of them are not, but that

that is a point of which I am not aware. So long as I was with the Board, I never heard of any complaint to the effect required by the Act of Parliament, to induce the Lord Lieutenant to order the Commissioners of Public Works to step in and make the repair.

4795. There was no complaint made, in order to compel the grand juries to do the duty, which they are supposed to do under the Act of the 16th & 17th of Victoria?—There was no complaint made of their neglect.

4796. There was no application to force the Board to compel the grand jury to present?—No.

4797. Have you any doubt that many of the piers are neglected?—I cannot state.

4798. We have had it in evidence that it is so, and that the grand juries have neglected them. Do you not think that it is very natural that the grand juries should neglect them. In such a county as Cork, for instance, what interest has Mallow in a pier at Ballycotton?—I think that the members representing the counties so charged, ought to have looked at that when the Act passed. It was considered rather a boon to give them a work of this sort, which cost the public three-fourths of the money expended. I think that it was a considerable boon to give them that, because it does not follow that there may not be considerable profit from those piers.

4799. But would that profit extend beyond the locality?—It is the locality which is charged; the expense may be provided for by the county at large, or by a barony, or by two or three baronies, or by a district comprising one or two baronies, and a portion of another. I take it, that the grand jury in presenting for the maintenance of that work, would put the cost of maintenance upon the parties who originally suggested the work, and consented to it upon the terms.

4800. Have grand juries any such power?—Yes.

4801. The grand juries can place the expense upon individuals, or upon certain districts, and certain localities?—Yes.

4802. Suppose that they are too poor to pay it?—I cannot provide against poverty.

4803. You recommend that this system should be continued, but up to the present time the existing system has not worked well?—I do not know whether it has or not.

4804. We have had evidence with regard to the Ballycotton Pier, and several other piers, which are tumbling into decay; would it be better to compel the grand juries to complete them?—I think so.

4805. Suppose that the counties receive no benefit whatever?—I think that the counties ought to have said that in the first instance; after they have had the benefit of public money by a public grant, it will not do for the counties to repudiate.

4806. I think that the enactment was carried in spite of the Irish Members?—I do not think that there was any opposition; possibly you may have objected to it, but I do not know that it went further.

4807. You still think that whether a pier turns out profitable or unprofitable, the county should pay for it?—I think so; I think that the county, having got the public money, should continue to maintain the pier; I know of no other way which is so just.

4808. Do you think that the centre of a large county has any interest in a pier; what possible interest, for instance, has Mallow in Ballycotton Pier?—Mallow and Cork were never assessed for it; they were never asked upon the subject; but there was a district near Ballycotton; the proprietor and fishermen asked for it, and if they were asked for a contribution to meet a loan they got a grant of three-fourths.

4809. Could not the grand jury assess upon the whole county?—I think not.

4810. We have known the Isle of Arran to be assessed for the drainage of the Shannon?—I should not like to go into that question with you; I was not solicitor to the Shannon Commissioners. The Shannon Commissioners were not the Commissioners of Public Works, they were a separate body altogether.

4811. Have you any suggestion which you would wish to make with reference to the Bill, or with reference to any change in the present law?—When I came to the conclusion that all the objects in the Bill for which loans are provided ought not to be recognised in the way of public money, I casually heard some honourable Members of this Committee asking questions about building fishermen's houses, and whether it was desirable or not. That would appear to me to be a more legitimate application of public money than any other; if it does not come within the letter, it certainly does come within the principle established by what we call the Labouring Classes Dwellings Act. Under that Act, 1866, persons, companies, and societies may obtain loans for the purpose of erecting labourers' dwellings, and putting them upon a footing which they have not hitherto been in the habit of having, in the way of comfort; I think that that principle might be very well carried to an object of this kind. I do not know whether I have any business to mention it or not; it is not in this Bill; but it appears to me to be a more legitimate application of public money, the principle of which is already acknowedged, if it is not law. Under the Labourers' Dwellings Act of 1866, I think that the principle might be very safely applied in this case for that purpose.

4812. In fact we are in possession of a law which would enable us to carry it out very well?—Certainly. On thinking over the matter afterwards, how far public money could be given with safety, the advantage of what I have mentioned occurred to me, and if it is not within the letter (which I think that it is), the principle is so clearly laid down in that Act, that there could be no difficulty in passing an Act of Parliament for that purpose.

4813. Who would build those cottages; I suppose that it would be the landlord of the estate?—No; the landlord would have nothing to do with it; it is a charitable society having occasion for dwellings for the labourers; it is quite unconnected with the landlord, who of course has the power to build cottages for the labourers on his own estate, and may obtain money for that purpose under the Land Improvement Act; but this is a separate and distinct thing.

4814. Are you not aware that there is no calling or trade in the world more uncertain than that of fishing?—I have heard so, particularly with Irishmen.

4815. On the coast of Ireland, and particularly the southern coast, is it not the case that the

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appearance and disappearance of fish are very uncertain?—I am perfectly ignorant upon the subject; I know nothing of it except what I hear people say.

4816. Would you consider it prudent to advance money to build houses for fishermen on a particular spot?—I am only supposing that a society wishing to act charitably, and to give a part of their own money, or to give security for the whole of the money, which they can do under Labourers' Dwellings Act, should apply the money so lent in the building of those cottages.

4817. Are you aware of a society presided over by Mr. Andrews, which makes loans?—I am not, except from what I have heard casually.

4818. Do you think that the establishment of a loan fund conducted in the way of a local loan fund, would be safe for the Government; or do you think that the Government could have any means of knowing the solvency of parties without a local machinery?—They would lend the money upon the security of the site for those houses, or upon collateral security; the present law limits them to a moiety where the security is confined to the site and the building to be erected upon that site, and where the parties wish to borrow the whole of the money they must give independent security.

4819. Then do you think that in every case there ought to be collateral security?—It does not follow that there should be collateral security in every case; if the whole of the money is advanced there ought to be collateral security, but not when only a moiety is lent.

4820. Would you lend money upon the security of boats, nets, and gear?—Certainly not.

4821. You think that there would be no possibility of that being a sufficient security?—It would be impossible.

4822. Sir *Henry Winston Barron.*] Perhaps you are aware that there is, at the present moment, a society in existence in Ireland which has advanced money in that way, and that we have had evidence here, by the party who advanced it, that for several years the society has not lost one shilling of the money?—That may be so.

4823. That is in direct contradiction to your principle, as laid down at this moment?—That may be so; but I think that it is a very different thing spending public money and spending private money.

4824. It is not private money; it was public money which was not required, and it was handed over to a certain society, I believe principally to the members of what are called the Society of Friends, and others, and this money has been lent out in various sums for consecutive years, and there has been no loss whatever?—That may be so, but I know nothing of it; if you wish to remove, or to shake the opinion which I have given, all I can say is that I think that money advanced by private societies is advanced upon a different principle, and in altogether a different way, from public money, and that the security for the one might be very satisfactorily worked out in the end, while the security for the other would not be so, judging from past experience.

4825. With regard to piers, a considerable sum of money has been laid out from time to time on piers in Ireland; and we have had evidence here from a gentleman connected with the Board of Works, that a great number of those piers are in a most dilapidated state, and that the Board of Works have taken no measures to repair them; how do you account for that state of things?—I account for it by gentlemen in the county not taking the steps available for them under the Act of Parliament; they have only to make their complaint to the Lord Lieutenant that the county in which the pier so dilapidated is situated, does not carry out the provisions of the Act of Parliament, and keep the pier in proper repair; upon that complaint the Lord Lieutenant is authorised to direct the Commissioners of the Board of Works to make an inspection, and if they find the fact to be as represented, they are authorised to enter and to make the repairs, and to transmit an account of the expenditure for such repairs to the county, and the county is bound to present for the amount.

4826. What would you suggest as an improvement upon the present system, which appears to be very defective?—I cannot suggest any improvement.

4827. Mr. *Kavanagh.*] Have you seen the 10th and 11th clauses in this Bill, which refer to agreements between the owners of boats and their crews?—Yes; that is a practical question with which I really am not competent to deal.

4828. Asking you, in a legal sense, do you think that the present Merchant Shipping Act would apply?—I am not sufficiently acquainted with the Merchant Shipping Act to answer you satisfactorily, but I apprehend that it would not.

4829. It has been suggested by two or three witnesses, that it would be very desirable to start a system of apprenticeship of boys on board fishing boats; there is no legal difficulty in the way of doing so, is there?—I should say that it is not at all necessary to legalise such arrangements.

4830. You think that the present law, as it exists, is quite sufficient for that purpose?—I should say so.

4831. Have you any objection to the provisions which are proposed in Clauses 10 and 11?—I do not see that they would do much harm.

4832. We have had it in evidence that such an enactment is much required?—If practical men said that it was much required, I should yield to their opinion upon it.

4833. Colonel *Vandeleur.*] Would not the present law, with regard to agreements between master and servant, equally apply; if a servant engages to go on board a boat for certain wages, he can bind himself for a year, or make any terms, and he can equally make an agreement that he is to have a certain amount of wages and a part of the profits of the boat?—Yes.

4834. That agreement would make him liable to punishment if he left his service before the period had expired?—I think that it would be a difficult matter to deal with at petty sessions, because the wages for labour would be mixed up with a partnership, so to speak; if I were upon the bench upon that occasion I would not deal, at all events, with more than the question of wages for labour.

4835. If a man bound himself to go to sea at low wages, at the same time calculating upon a certain amount of the profits of the boat, would it not be an agreement which would be binding upon the man, and upon which the magistrates could act?—I think not; I do not think that it comes within the meaning of the Petty Sessions Act.

4836. Mr. *Kavanagh.*] With regard to Clauses 10 and

10 and 11 of this Bill, you say that you are not acquainted with the Merchant Shipping Act?—I am not.

4837. It entitles people to sign articles between each other, and they are bound by them?—Yes.

4838. We have had it in evidence that such an enactment as that contained in Clauses 10 and 11 of the Bill is very much desired?—If it be considered desirable by those who understand the question, I think that there can be no objection to Clauses 10 and 11.

4839. In your professional opinion are they sufficient?—I did not come prepared to answer such a question.

4840. Would it be better to extend the provisions of the Merchant Shipping Act to this Bill?—Yes, as far as it is applicable. It would probably be an improvement upon this Bill.

4841. Mr. *Cooper.*] We have had it in evidence that in the opinion of the law officers of the Crown, magistrates have no jurisdiction where there is a partnership between the owner and the crew?—I was not aware of that opinion. So far I agree with it.

4842. It has also been stated in evidence that the best way of paying fishermen is by shares, and the object of the Chairman, and, I think, of the Committee, is to find some means of enforcing agreements, and it was with that purpose that these two clauses were introduced; and I should like to know whether you are of opinion that they are sufficient, or would apply in case of partnership?—I think that they would have to be very much improved from what they are now. The object is to give a jurisdiction to the magistrates at petty sessions.

4843. It is stated that there is no jurisdiction at present?—Quite so; and in order to give them jurisdiction, I think that you should provide in the Bill that such agreements shall be dealt with in a summary way, and that the magistrates upon an investigation of the case, shall be at liberty to make such a settlement between the partners as they think right, and let it be conclusive.

4844. Then you hardly think that these clauses are sufficient?—I think not.

4845. With respect to the 12th clause, in your opinion, is it desirable to embody these regulations in an Act of Parliament, or would you give the Board of Works jurisdiction to frame bye-laws?—I should prefer bye-laws.

4846. From your experience of Acts of Parliament, you would prefer bye-laws to inserting regulations in an Act of Parliament?—I should very much prefer bye-laws.

4847. With respect to piers, you have said that it is the duty of the grand juries to keep them in order?—Yes.

4848. I presume that you mean the presentment sessions, in the first instance?—Yes, they must present in the usual way.

4849. Those sessions are held for each barony?—Yes.

4850. And the chances are that the barony is interested in keeping up the pier?—Yes.

4851. Therefore, as there probably is a representation of some persons who are interested, you think that that is sufficient?—Yes.

4852. And you are of opinion that the present machinery is complete for keeping the piers in order?—Yes.

4853. It is all done at the sessions?—Yes.

4854. With regard to the present law as to granting licenses for oyster beds, did I correctly understand you to say that a limited owner getting a license could alienate that part of his property?—Yes.

4855. If I, as a limited owner, got a license from the Board of Works to plant an oyster bed, could I dispose of it the next day?—I think so.

4856. Do you think that that is right?—Yes; it is a speculation which the owner may sell to advantage, or get anybody to take off his hands if he likes; if it turns out a good thing he may transmit it to his second instead of his eldest son, and may send it to his personal representative instead of the inheritor.

4857. Is it not connected with the property,—Not of necessity at all.

4858. Mr. *Shaw Lefevre.*] If I understand you rightly, a preference is given to the proprietor but not more than that?—Not more.

4859. Under the Act of last year, a grant may be made to any other person than the proprietor, and therefore the case is distinct?—Yes; even a limited proprietor, or a man having an estate, in fee, may give his estate to one individual, and he may bequeath the license to another, or having obtained the license he may, as I take it, assign or transfer it to any person whom he thinks proper; I think that that is the effect of a license.

4860. Mr. *Cooper.*] I do not know whether it comes within your knowledge, or whether it is a practical question, but it has been suggested that the new inspectors who ought to be appointed should be local people, say, one for each province of Ireland; do you think that that would be a judicious arrangement?—I do; I think that they should be living in the locality.

4861. One living in each province, and reporting to the Board of Works, or to the Fishery Commission?—Yes; the only question is, whether four would be necessary.

4862. Or two?—Yes.

4863. Mr. *Ion Hamilton.*] If a grant is made for the improvement of a pier or harbour, who decides upon the amount which is to be drawn from the locality?—The Commissioners of Public Works.

4864. By themselves, or through the solicitor?—The solicitor never judges of any question of that kind; the Commissioners make up their minds as to the amount to be contributed in one way or another; it may be contributed in various ways, either by the county, by a barony, by a proprietor, or by local subscription; and then the Commissioners, upon that being brought before them, decide how much they will grant; they cannot go beyond three-fourths, but they may go to that length.

4865. Mr *Shaw Lefevre.*] You have stated that the licenses to plant oyster beds may be separated from an adjoining property?—I think so.

4866. And you object to loans for those beds on the ground that it would be great injustice to the remainderman, and also a bad security to the State?—Yes.

4867. Have you any such experience of the planting of oyster beds as to state whether an oyster bed would be a success?—I have not.

4868. Within your knowledge, has there been any success in the planting of oyster beds?—Yes.

4869. But not more than in a few cases?—I think not.

4870. Are not the functions of the Board at present, as regards the sea fisheries, wholly confined to making bye-laws and granting licenses

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for oyster beds?—I think that there must be more than that.

4871. Are you aware of any other powers which they have, excepting those of making laws and prohibitions, and of granting licenses for oyster beds; they have no power of granting loans?—No; but that is independent of the main functions of the Board.

4872. You are aware that the Bill as it now stands, contains all the restrictions and prohibitions with regard to all kinds of fishing in the bays and estuaries, except oyster fishing?—I am, and that is one reason why I think that it is inconsistent to make a new Board, whose duties I think would be even less than those of the present Board.

4873. If the Committee should be of opinion that those restrictions and prohibitions which already exist are unnecessary, then in fact nothing would remain for the Commissioners, or for the inspectors, except regulations respecting oyster fisheries?—Very little.

4874. And the granting of licenses?—I do not think that there is anything else at present.

4875. Excepting that under this Bill it is proposed to give an extensive power of recommending loans for the purpose of forming oyster beds, and also for piers, and for the fishermen?—Yes.

4876. And you are of opinion that those loans are very undesirable?—Yes.

4877. If that portion of the Bill was cut out of it, there would remain nothing for the new Commissioners but to make regulations as to oyster beds?—Very little more.

4878. In your opinion, would it be necessary to create a new Board of Commissioners for that purpose?—Certainly not.

4879. Supposing that the Committee adopted the opinion that the existing prohibitions and regulations were unnecessary, do you think that it would be desirable to appoint two inspectors under the present Commission, or not?—If those prohibitions and regulations were done away with, still the matter as to oysters would remain.

4880. That would be the sole function of the inspector as regards the sea fisheries?—Yes.

4881. In your opinion, would it be necessary to have two inspectors besides an inspecting commissioner for that purpose?—No.

4882. Do not you think that the inspecting commissioner would be amply sufficient to perform those functions?—Yes, I think that he would; I do not know how many of them may come on, but they have generally come at a time when the inspecting commissioner, I believe, could not attend to them all.

4883. That was when he had other functions besides?—Yes.

4884. Supposing that those functions were taken away, could not one man perform all the duties as regards oyster fisheries under this Bill?—I think so.

4885. Colonel *Tottenham.*] Are you at all acquainted with the system of loans and bounties previous to 1836?—No.

4886. A previous witness has stated that the loans under that system were generally paid with punctuality; would the knowlege of that fact at all alter your view as regards loans at the present time?—It would not.

4887. Those were Government loans, administered by a Government department?—I really do not know anything about that; I have heard that there was a good deal of money lost.

4888. It has been stated so. One witness stated that probably if the system had not been arrested so speedily, even much of that money which was lost would have been got in; that, however, is a matter of opinion?—I do not know.

4889. Are the grand jury entitled to levy the cess for any smaller district than a barony?—I take it that it would be confined to the barony or to the district originally charged.

4890. Either for building or for repair; can they go to a district less than a barony, though it is called a half barony; can they assess townlands?—Yes; if the townlands are assessed originally for a contribution towards the pier.

4891. Supposing that it is a presentment made by a grand jury, can it be levied upon anything less than a half barony?—I take it that that presentment must be levied upon the district, the townland, or two townlands, or the half barony, originally charged with the contribution.

4892. I am talking of the original charge; can the original charge be confined to a townland?—Certainly.

4893. But it must be levied by the grand jury?—Certainly.

4894. Can the grand jury assess different townlands in different proportions?—No; the money is levied and paid as a poor rate.

4895. And the whole contributory district must pay rateably?—Yes, equally.

4896. *Chairman.*] If loans were given in aid of local efforts, as recommended by the Commissioners of 1836, and if portions were given by persons having the local management of them, would your objection to loans be as strong?—Yes.

4897. Mr. *Cooper.*] You do not profess to give any opinion as to whether or not it is desirable to abolish all restrictions; you have given no opinion upon that subject?—No; I have given no opinion upon that point; I only say that bye-laws are preferable to general legislation.

4898. Sir *Henry Winston Barron.*] With regard to loans, would you under no circumstances countenance the lending of money to the fishermen as fishermen?—I do not see how you could make loans to fishermen; they have no security to offer.

4899. Provided that they had security, would you do so?—I would not, because I think that their having security is out of the question; I think that it would be a delusion.

4900. Would you give to the Commissioners appointed under this Bill, any power to make bye-laws of any kind for the fisheries?—That is a practical question; all I say with regard to that is, that a system of bye-laws is better than legislation in detail in this way.

4901. In other words, you think that it is better not in an Act of Parliament to give too many details, but to leave it to the Commissioners, who are practical men?—I have found by experience that it is very objectionable, and is attended with a great deal of mischief when you attempt to go into too much detail in an Act of Parliament.

4902. Colonel *Vandeleur.*] That includes the oyster fisheries as well as the other branches?—Yes.

4903. In the Bill of the honourable Chairman he proposes to alter some of the bye-laws relating

ing to the oyster fishery. Do you conceive that the Act of the 10th August 1866, for promoting the cultivation of oysters in Ireland, is sufficient, or that it requires any amendment?—I do not think that it does; that Act was prepared by myself, and therefore it is natural for me to say that, in my opinion, it does not require any amendment.

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Professor THOMAS HENRY HUXLEY, F.R.S., called in; and Examined.

4904. *Chairman.*] YOU are, I believe, the Professor of Natural History in the Royal School of Mines and Practical Geology?—I am.

4905. You were one of the Royal Commissioners for inquiry into the operation of trawling for herrings on the Scotch coast, two or three years ago?—I was.

4906. You were also one of the Royal Commissioners appointed in 1863, for the purpose of inquiring into the sea fisheries of the United Kingdom?—I was.

4907. That Commission was ordered in conformity with a Vote of the House of Commons. The object of the inquiry, as stated in the Commission, was "To ascertain, 1st. Whether the supply of fish from such fisheries is increasing, stationary, or diminishing: 2nd. Whether any of the methods of catching fish in use in such fisheries involves a wasteful destruction of fish or spawn, and if so, whether it is probable that any legislative restriction upon such method of fishing would result in an increase of the supply of fish: 3rd. Whether any existing legislative restrictions operate injuriously upon any of such fisheries, as by the said letters patent, reference being thereunto had, will more fully appear"?—Those were the objects of our inquiry.

4908. I believe that that Fishery Commission was ordered in consequence of a motion made by Mr. Fenwick, the Member for Sunderland?—So I understood.

4909. It was chiefly with the view of ascertaining whether trawling was injurious to the fisheries?—I believe that the motion in the House of Commons arose out of the suggestion of some of Mr. Fenwick's constituents; they were line fishermen who were dissatisfied with the effect of trawling upon their trade, and, as I understand, they induced Mr. Fenwick to move the House of Commons to grant a commission of inquiry into the state of the fisheries. The allegations were, that the fish were being destroyed by the trawlers.

4910. In obedience to the commands of Her Majesty, you held investigations at most of the leading fishery districts in the United Kingdom?—We did.

4911. You held 37 investigations in England, 3 in Wales, 24 in Scotland, and 21 in Ireland?—I believe that those are the numbers; there were about 80 in all.

4912. Altogether you held 85 inquiries?—Yes.

4913. The conclusions at which you arrived were, I believe, that the quantity of fish had not diminished, and that, with the exception of Ireland (for causes to which I shall presently allude), the capture of fish had largely increased?—We arrived at the conclusion that the allegations of the line fishermen had no foundation, and that the supply of fish had not fallen off.

4914. The conclusions at which you arrived are briefly stated at the end of your report. You say, "The total supply of fish obtained upon the coasts of the United Kingdom has not diminished of late years, but has increased; and it admits of further augmentation to an extent the limits of which are not indicated by any evidence we have been able to obtain?"—Yes.

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4915. You further say, "We find the laws relating to sea fisheries to be complicated, confused, and unsatisfactory; many restrictions, even of late date, are never enforced; many would be extremely injurious to the interests of the fishermen and of the community if they were enforced; and with respect to these and others, the highest legal authorities are unable to decide where, and in what precise sense they are operative;" I believe that that conclusion referred more to Ireland than to any other part of the United Kingdom?—Hardly more to Ireland; it referred to the whole fishery legislation of the country. I think that those statements apply quite as much to the French Convention Act as to anything else, which French Convention Act, as you are doubtless aware, applies to the whole country.

4916. You further advised, "that all Acts of Parliament which profess to regulate or restrict the modes of fishing pursued in the open sea be repealed; and that unrestricted freedom of fishing be permitted hereafter?"—That was one of our recommendations.

4917. You also say, "For the present, we advise that all Acts of Parliament which profess to regulate or restrict the modes of fishing pursued in shore be repealed; with the exceptions, purely on grounds of police of the local Act regulating pilchard fishing at St. Ives; and for that part of Loch Fyne which lies above Otter Spit, of the Act prohibiting trawling for herrings in Scotland?"—That was part of our report.

4918. In the course of your investigations in England, did you inquire into the effect of trawl fishing in the bays and estuaries?—That formed a very considerable portion of our inquiry.

4919. Did you come to the conclusion that the fishing in bays and estuaries was not injurious to the spawn?—There was a great deal of extremely conflicting evidence upon that point, but after sifting it with very great care we came to the conclusion that there was no proof whatever that trawling, as practised in the bays and estuaries, had caused a diminution in the supply of fish, and there was clear proof in particular cases that it had not done so; the most prominent of these was the case of Rye Bay; and we have discussed that case at length in our report.

4920. Was it shown to you that even in the shallowest waters where the trawls could work, that spawn was ever taken up?—That was a point to which our attention was very particularly directed, and to which I may say my own was more especially directed; indeed, I presume that one object of my being put upon the Commission was the presumption that I should be able to criticise the statements made by fishermen with regard to that matter, and that I should be able to judge whether the substances which they called spawn, were spawn or not. And I have no hesitation in saying that although we inquired into that point with very great care, and took a very large amount of evidence respecting it, there

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there was no evidence in any case whatsoever that the spawn of any fish was taken up in the ordinary operation of trawling. We frequently had the most distinct statements that it was taken up; parties said that it was taken every day, and so forth, but when we analysed their statements critically, we found that such was not by any means the case, but that their statements arose from the intense ignorance of fishermen of anything outside the daily routine of their own calling. The so-termed practical fishermen are persons who know nothing about fish, except the best method of catching them. As to the habits and the natural history of fish they absolutely know nothing whatsoever; and when I had an opportunity of going into the matter, I found that what these practical and experienced fishermen called the spawn of fish, were some of those gelatinous marine products with which I, as a naturalist, was perfectly familiar. I found them to be what are called "dead men's fingers," and things of that sort, which have nothing to do with fish.

4921. With respect to the spawn of herrings, I believe that there was more definite information?—The herring is one of the very few fish about the spawn of which anything is known; I have no knowledge myself of the spawn of the herring being brought up by a trawl net; but it has been brought up by dredging operations undertaken for that express purpose. It is brought up in very considerable quantities upon the drift nets themselves, because the herrings are often taken while spawning, and they shed their spawn upon the nets, by which it is brought up in great masses, so that we know extremely well what the herring spawn is; but I never had any proof that that herring spawn is taken up in the ordinary operation of trawling.

4922. In the course of your scientific investigations I believe you have extensively dredged the bottom of the sea in various places, for the purpose of getting marine substances and other matters for scientific observation?—I have been engaged in that operation very frequently on many parts of our coast. It is a very common thing for a naturalist to take one of those instruments which are used for dredging up oysters, and by dragging it along the bottom and scraping the sea bottom with it he fishes up everything which is there.

4923. The apparatus which you use, I believe, brings up the minutest objects?—That is the great purpose of it; the naturalist wishes to get up all objects; they are sometimes very delicate and minute objects, and he wishes to examine them on shore. The operation is to put your dredge overboard and you bring it up after it has been dragged along for a time, and place the contents in water and examine them at your leisure.

4924. Besides so dredging in the open sea, have you also dredged in bays and estuaries, in shallow water?—I was for a good many weeks dredging upon one occasion in the Bristol Channel, off Tenby.

4925. Have you ever, on those occasions, brought up the spawn of fish?—No.

4926. Would it have been impossible for spawn to have escaped, if there?—Things quite as delicate as the spawn of fish can be, and frequently more delicate than herring spawn, have been, brought up wholly uninjured.

4927. Has the spawn of valuable fish ever been brought up?—The fact is that no one knows what shape the ova of any of our edible fish, except herring, take.

4928. It has been stated by some witnesses before this Committee, that fish spawn in rough ground, in the patches of sand between rocks and stones, and in that sort of ground; have you ever dredged in such places?—Dredging is very difficult upon what is commonly called rough ground; if you undertake dredging upon that ground you do it at the risk of losing your dredge; if there are large rocks or heavy masses, the chances are that you are anchored for a very considerable time, until the tide has turned or that the rope gives way, in which case you lose your dredge; but you may practice dredging upon moderately rough ground.

4929. Upon no occasion in bays or estuaries or shallow waters have you brought up what you believed to be spawn?—I never did so myself, and have never heard that anybody practising dredging has done so; there are many gentlemen in this country, especially those who collect shells and are fond of conchology, who have practised dredging upon a very much larger scale than I have, Mr. Gwyn Jeffries for example; and I have not heard that they have brought up the spawn of fish.

4930. Have you made inquiries of them upon that subject?—I have not made special inquiries with reference to this particular point, but I give my impression from casual talk upon the subject.

4931. Have you read the evidence of Colonel M'Kerlie?—I have read some passages in it.

4932. Colonel M'Kerlie makes the following statement in answer to Question 435; he is asked, "Is it your belief that trawling in bays is injurious to spawn and young fish?" he answers, "At certain times of the year, when the fish of different descriptions come into certain soundings, shoal waters, to spawn, I think that there can scarcely be a doubt that disturbing them when they are in that condition, and have come in for that purpose, must be injurious; and I think that it must also be injurious when the small immature fish have not yet left the beds upon which they were produced. I think that to trawl over such grounds, disturbing the fish and possibly driving them off these beds, and possibly destroying them altogether, or capturing them, must be injurious, and also trawling when the fish are of a very small size. We know as a certain fact, that it does destroy great quantities of them, and that therefore it must be injurious; but I think that it is only probably during a certain period of the year that it is injurious, and it is very difficult to say during what exact period, because the times at which the different descriptions of fish spawn overlap each other; but from May to July, when the fish are spawning, I think that it would be well and proper to avoid trawling in those localities." What do you think of that answer?—That answer is a type of nine-tenths of the evidence which was brought before us, representing the common traditions of the fishermen. I suppose that we had statements of that sort put before us a thousand times, if we had them put before us once; but I have yet to find satisfactory evidence for any one of them.

4933. Colonel M'Kerlie at Question 439 is asked: "I believe that fish do not deposit their spawn upon a sandy bottom; they must deposit it somewhere where it will have a hold, such as seaweed and rocks and stones, and so forth?" His reply is, "I do not know much of the natural history of fish;

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fish; I should rather think that the parts where fish would spawn would be upon rough gravelly bottoms, but not amongst rocks or amongst seaweed; I see no reason why they should not spawn upon hard sand; if they do not I do not know where all the fish between Wexford and Donaghadee would spawn." Is there anything proved with regard to the deposit of spawn which could justify Colonel M'Kerlie in that statement?—I can merely say that I have taken great pains to look into that question, and, so far as I am aware, the only fish about the spawn of which we know anything definite is the herring. I think I may venture to say that no one at the present moment is possessed of the slightest trustworthy evidence to show where plaice, or sole, or haddock, or whiting, or mackerel, or any other fish with the exception of the herring, deposit their spawn. I venture to say that there is no one who knows anything about it; the only approximation towards evidence is with regard to cod, which is one of the most valuable of all our fish; it is with respect to cod that these statements have been most commonly made. It has been said that the trawlers drag up the spawn of the cod, and that they destroy the breeding grounds of this fish, and so forth; statements of that kind were laid before us over and over again. On going into the question carefully, we found ample proof that none of the fishermen really knew anything about the spawning of cod; and, recently, I have heard from a distinguished Belgian naturalist, Professor Van Beneden, that some of the Norwegian naturalists who have been inquiring into this question have found every reason to believe that the ova of the cod float about in the sea, and are hatched there. The investigations upon which that opinion rests are not, so far as I know, published as yet, but there is no reason why such should not be the case. During my voyages, I have over and over again taken the eggs of fish in course of hatching, which were floating at the surface of the sea. I cannot tell you what fish, as they were not sufficiently advanced to enable me to do so; but it is not an uncommon thing to take eggs of fish in that condition, and therefore there is no *à priori* reason why the cod should not be hatched in that way; and there are trustworthy statements of competent persons that such is the case. We do not know how many fish may follow the cod in that respect, and therefore the notion that the eggs of fish must necessarily be destroyed by trawling upon the sea bottom is fallacious. But I may repeat that we are at this moment in entire ignorance of the place of deposit and the characters of the spawn deposited, in the case of every useful fish with the exception of herring and cod.

4934. Upon your Report coming out, it was taken into consideration by the Fishery Board of Ireland, and they gave their opinion upon it, in the following paragraph: "In our reports for 1863 and 1864, we adverted to the circumstance of our having thought it proper to hold over our decision on certain cases before us, in reference to trawling, pending the inquiry in regard to the Sea Coast Fisheries of the United Kingdom by the Royal Commissioners appointed in 1863. We have perused the Report of that Commission lately published; but we still feel it inexpedient to deal with the case referred to, awaiting the decision of the Government and the Legislature, with respect to the recommendations made in that report. The views of these Commissioners, in regard to the propriety of the removal of all restrictions on trawling, however, we feel it our duty to take this opportunity of expressing our dissent from, so far at least as relates to Ireland. The reports of former Commissions of inquiry, and we more especially allude to the very full and comprehensive Report of 1835, and all our own experience and investigation, have led us to the conclusion that, within certain limits, trawling is injurious to the interests of the fisheries at large; and in this opinion we are supported by all persons in this country, scientific as well as practical men, who have disinterestedly directed their attention to the subject. Fish of all kinds, it is well known, approach the shores for the deposition of their spawn, each species at its appointed season; and there can scarcely be a doubt, we think, as to the advisability of their being left undisturbed during that period, as well as of protecting the young and immature fish, which remain for a certain time on or near the spawning beds. The position of these beds, it is true, is not very clearly known; some consider, and no doubt with reason, that they lie in the sheltered spaces between the ledges of rock, and on foul ground within the bays, where the trawl cannot be worked; but it appears equally certain that they are found to be formed on the clear and open sand and gravel banks along the coast within certain soundings. If it were practicable, we would recommend that the fishing should be closed on these beds during the spawning season; but as this is clearly impossible, owing to the fact of the seasons for depositing their spawn by the different species, overlapping each other, we think that the most expedient course is to prohibit, within the comparatively narrow limits to which the reasoning applies, and at least for such portion of the year as we are inclined to think would be sufficient, that mode of fishing, namely, trawling, which from its nature is evidently the most calculated to injure the breeding and immature fish. With regard to trawling in the deeper waters, we entirely concur in the views of the Commissioners as to the impolicy of interfering in any way with the operations of the fishermen." Do you think that there are any facts known with regard to the spawning of fish, which at all justified the Fishery Commissioners in coming to those conclusions?—I am not acquainted with them. One or two of the statements which you have read, appear to me to be in the highest degree doubtful: for example, the assumption that fish of all kinds approach the shore to spawn; a great deal turns upon what is meant by the words "approach the shore"; if it is meant that they come into 15 or 20 fathom water, it may be so, although I do not know that it is so; but if the statement means more than that, then I must remark that it is controverted by known facts. For example, there are certain places where we know herrings spawn, both upon the eastern and western coasts of Scotland; and those places are in a depth of from 15 to 20 fathom water. If those gentlemen mean by the fish "approaching the shore" depositing their eggs in 15 or 20 fathom water, it is very possibly so; but if they mean that the fish must necessarily come into less water than that, facts are against them; and I venture to say that, as respects nine-tenths of the fish with which they are concerned, nothing is known about the matter, and that all they say on the subject is mere speculation.

4935. I believe that the greatest depth in which

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which a trawler usually works is 40 fathoms of water, although a few large vessels sometimes trawl at a much greater depth?—I should think that that is about as great a depth as can be trawled conveniently; much deeper than that would require strong tackle and a heavy vessel.

4936. From the fact of fish spawn not having been found in 40 and even 80 fathoms of water, is it not probable that many fish may deposit their spawn beyond 40 and even 100 fathoms?—I believe that that is entirely an open question. It is a positive certainty that herrings deposit their spawn in from 15 to 20 fathom water; I do not see why they should not deposit it in 30 or 40, or 50 fathom water, but I do not know that they do.

4937. A witness has stated that if spawn was deposited in anything beyond 40 fathoms of water the pressure of the water would be likely to crush the spawn; what do you say to that?—That is a question the answer to which is dependent upon the laws of hydrostatics; and those laws happen to be inconsistent with the statement. The pressure of water is equal upon all sides. That statement is in contravention of well-known elementary principles.

4938. It is alleged that the ground is frequently trawled out; what is your opinion upon that point?—That is an assertion which was made before us over and over again, and for the purpose of testing it we went through the evidence which was brought before us. The mere statement of witnesses was not worth much; they were all prejudiced either in favour of or against restrictions upon fishing, and accordingly my colleagues and myself tried to get a better kind of evidence. For that purpose we visited places like Brixham, where trawling has been going on upon the same ground for the last 70 or 80 years. Here, instead of paying special attention to the statements of the trawlers, or the anti-trawlers, we looked into the condition of the town, and we inquired into that of the people, and the amount of capital which was being invested in fishing operations; and we found that, taking the whole period, with certain fluctuations, there had been a steady increase in the prosperity of the town, which was supported by trawling. We found that there had been a steady increase in the amount of capital invested in trawling vessels, and that it was a matter of common occurrence for a man who had gone on board a trawler simply as one of the sailors, by-and-bye to set up as a master for himself out of his earnings, and perhaps to become the master of two or three trawlers. Now, as the staple of Brixham was fishing, it appeared to us that those facts were wholly inconsistent with the clearing out of the trawling ground. It is perfectly impossible that, had the supply of fish failed, this constant increase of prosperity would have taken place.

4939. Your Commission were satisfied that in no instance had a fishing ground been trawled out?—Yes; and not only that it had not been trawled out, but that not the smallest amount of injury had been effected by trawling.

4940. Another allegation against trawling is that it scares away the fish, and that fish have frequently been found to abandon that part of the coast where trawling is largely carried on?—In reply to that, we have clear and definite facts. For example, the Brixham trawling ground has been worked over for the last 80 or 90 years, and the people are doing so now, so that it has taken more than half a century to frighten the fish.

4941. And they are not frightened away yet?—And they are not frightened yet.

4942. Another allegation is that a large quantity of immature fish is brought up by the trawls. Is it not the fact that the greater proportion of that immature fish so brought up is of the same species as the large fish which are captured by the trawlers, and which, if it came to its full size, would be taken by them, and that therefore the trawlers are themselves the sufferers, and not other descriptions of fishermen?—We inquired very particularly into that point, and we found that about one-fourth or one-fifth was small fish not in good marketable condition; but it was undoubted that it was the young of the fish ordinarily taken, and was not the young of other fish.

4943. Has a considerable quantity of small fish, such as herring and cod, been brought up in that way?—I never heard of herrings being taken by trawlers. Cod is taken occasionally; but I am not aware that small cod is ever taken in quantity.

4944. What is brought up by hooks is very rarely taken by a trawler?—You may take cod in a trawl, but I never heard of herrings or ling being taken up by a trawl.

4945. From your inquiries in Ireland, did you see any reason to change the opinion to which you had previously come, as the result of your inquiries in England with regard to the non-destruction of spawn by trawlers?—Not the slightest.

4946. You found in Ireland that the restrictions had been from time to time extended to 13 bays and estuaries, and along long strips of coast, especially the counties of Louth and Down?—We did.

4947. Did you consider the effect of those restrictions in Ireland to be such as to deprive the consumer of a very large quantity of fish which might be captured?—In certain particular cases that was very clear; for example, in Galway Bay. There was no doubt whatsoever that the putting down of trawling there interfered with a very great supply to the market, and I presume that as it was clearly the case in Galway Bay, it must have been the case elsewhere where trawling was put down.

4948. Do you consider that the restrictions imposed by the Irish Board of Works in various places of Ireland, which restrictions are stated to have been made upon the ground of preserving the spawn and immature fish, prejudicial to the fisheries and to the consumer?—So far as the interests of the fisheries are concerned, I do not think that any restrictions of the kind are of the slightest value; but of course it is quite another question whether there may be other grounds for the restrictions.

4949. Is it not the fact that very large quantities of fish come into bays and estuaries, and go out again, which might be captured by trawlers, but which cannot be caught by the hook, drift, or trammel net fishermen?—It may be so, but that is exactly one of the *ex parte* statements on the trawlers' side, and we were so used in the course of our inquiries to have very strong *ex parte* statements on both sides, that unless I had knowledge which would lead me to endorse such a statement, I did not attach much weight to it.

4950. Although fish generally go out to sea in storms, are there not particular storms when they seek the shelter of the bays?—That is entirely a matter

matter of fishermen's tradition, upon which I should not like to say much.

4951. What is your opinion with regard to a close season for the fisheries?—So far as the interests of the fisheries are concerned, I think it utterly useless.

4952. Do you consider that in Ireland, as elsewhere, the contest is one of the hook and trammel net men against the trawlers, to prevent the latter from interfering with their peculiar modes of fishing?—I do not think that it was wholly so in Ireland; I think that it was so in many cases. I suppose that there were many persons who had theoretical notions, which led them, entirely apart from their own interests, to put down trawling; but in a great many cases I imagine that the desire to do so arose out of a battle of commercial interests. I think that with a good many persons the "stand to reason" argument goes for a great deal; that is to say, they come to the conclusion that certain things must be injurious, because it seems plain they are so; and they do not think it worth while to inquire whether, as a matter of fact, their conclusions are borne out, or not.

4953. Upon the principle of "live and let live," do you think that any fair compromise might be come to between the trammel net and long-line fishermen and the trawlers, so as to allow the former to fish between sunset and sunrise, or even for some hours after sunrise, in the bays and estuaries, and preventing the trawlers from fishing during that time, but allowing the trammel net and long-line fishermen to fish after those hours at their own risk, so far as regards the destruction of their gear?—I should like to separate those two cases; I think that the case of the long-line fishermen is very different from that of the trammel-net fishermen. It is impossible for a trawler to go over a trammel net without destroying it; but abundant evidence was given before us, to show that long-line fishing and trawling can go on together without injury to either. There are no long-line fishing, and no trawling operations so extensive as those in the North Sea, and we were told over and over again that those operations went on, side by side, without the least interference. Evidence was laid before us that a trawler could carry a trawl over a long-line without doing any damage; that he might carry away the snood, but that that was the greatest amount of injury, except that he might at times carry away a buoy, in which case the line might be lost. I should not be disposed to make any regulations to prevent injury to the long-line men, because I do not think that it is very clearly made out that the injury is great or inevitable; but as respects trammel fishing, I think that it may be desirable in certain cases to make some sort of compromise.

4954. Are you of opinion that generally speaking a trawl net passes over the long lines without doing any damage?—Yes, that is my conclusion from the evidence which was placed before us; I know nothing about it personally.

4955. Then you consider that the restrictions in force in Ireland are wholly unnecessary with a view to the preservation of spawn, and are calculated to prevent as great a supply of fish going to market as might otherwise do so?—Quite so; if the whole fisheries of Ireland were my private property, I would have no restriction of any description, with a view to the preservation of spawn.

4956. Do you consider that in Ireland there are great capabilities for planting oysters?—I consider that very many parts of the Irish coast are eminently fitted for the cultivation of oysters, not precisely for breeding, but for preserving the brood and fattening.

4957. Have you read the Act of last year, which prevents other persons than the owners and occupiers from planting, without their permission, oyster beds on the sea adjoining their lands?—I am not sure that I have.

4958. Section 4 of that Act is, "It shall be lawful for the Commissioners to grant a license to the owner of any land bordering on the sea or any estuary, or to any person or persons, with the consent of such owner, to form or plant any oyster bed, or laying, whether above or below low-water mark; provided always that the forming and planting of such oyster beds shall not give any exclusive right or title to the occupancy of the shore, except for the purposes aforesaid." Do you consider that that is an advisable power to give to the owners of land bordering upon estuaries?—It depends upon how much power is given; does it give power over the whole of the sea bottom?

4959. It gives an absolute veto against any other party planting an oyster bed upon the sea adjoining the land, even though the owner does not think it right to do so himself?—I wish to know how far it affects the sea bottom; does it affect it only between tide marks, or does it do so beyond tide marks?

4960. A license can be given below low water?—If anyone wished to lay an oyster bed beyond low-water mark, as I understand the matter, he could not do so without the permission of the adjacent landowner.

4961. Such is the law; do you think that it is however, a politic one?—So far as the consent of the owner is required beyond low-water mark, it appears to me to be an impolitic enactment.

4962. You have given some attention to the government of the fisheries of Ireland, under the Board of Works?—Yes.

4963. Do you think that it has been administered in a manner which ought to be considered satisfactory by the public?—I think that the public ought to be very much obliged to the Board of Works, simply from the fact that they had the great wisdom to do nothing, and that they did not exercise the powers with which they have been endowed. The powers given to the Board of Works are of the most extensive character, and it appears to me that there are very few things which they could not have done; but the Act has been administered by very sensible persons, and they have done the minimum of what they were authorised to do.

4964. They have exercised those powers very extensively in imposing restrictions?—Their restrictions may appear extensive to those who have not been aware of the large powers given to them, but as compared with the large powers given to them they are as nothing. I think that there is hardly any sea fishery which they might not have directly or indirectly destroyed.

4965. If the Fishery Board is continued in Ireland, do you think it desirable to have it separate and independent?—I do not like to contemplate the continuance of the Board; it appears to me to be an entire superfluity.

4966. Colonel *Annesley.*] Will you state very shortly the reason which induced your Commis-

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sion to report in favour of the abolition of the restrictions upon trawling in these restricted bays?—My own impression as to the principles which guided us in arriving at that conclusion is, that we believed the value of trawling to the consumer and to the public in general, which is very much greater than that of any other mode of fishing practised in those bays. And as the interest of the public is the first thing to be considered, unless there are very grave reasons to the contrary, every facility should, we conceived, be afforded for that mode of fishing which gives the largest possible supply to the public. But then it also appeared to us that in certain cases, for practical reasons, it was not desirable to carry out that principle to its logical results.

4967. Would not that be leaving things as they are at present?—I think not; because I have considerable doubt whether the restrictions as they exist, are in all cases the wisest which could be made. I think that it may be very wise in some bays to carry out some sort of regulation which should prevent, for example, trammel fishing from being altogether destroyed; but I will not undertake to say that the particular restrictions which may exist now are the best adapted for that purpose.

4968. In point of fact, although it said that 13 bays are restricted, there are only practically four or five restricted bays upon the coast of Ireland?—So I believe.

4969. Do you recollect which are those bays?—Not at this distance of time; the facts are in our report; I cannot undertake to say now what they are.

4970. Considering the case of the line fishermen, supposing that the power were put into your hands of legislating upon the subject, should you be prepared at one swoop to do away with the whole of the line fishermen, as they assert would be the case if these restrictions were removed; do you believe that that would be the case?—To begin with, I do not believe that it would be the case. I do not believe that, in the great majority of cases, the so-called line fishermen depended upon line fishing for their livelihood; so far as my recollection serves me, in the great majority of cases, the line fishermen eked out what they got from their crops by fishing; they were not fishermen in the sense that the men on the eastern coast of England are fishermen; they combined fishing and agriculture. If that is the case I do not think that it would do them any great harm if the line fishing were gradually put an end to, and I think that the benefit to the community from trawling would be very great; but of course in all these cases one would be guided by the practical necessities of the case.

4971. In a great many cases in Ireland, men hold a very small quantity of land, just sufficient to grow potatoes, and they subsist entirely by the produce of their lines; if you allowed trawlers to come in, would it not practically do away altogether with the livelihood of those men?—I am not at all sure of it, for the reason which I have stated, namely that the greatest operations in trawl fishing and line fishing are carried on together in the North Sea; and if they are carried on together in the North Sea, I do not perceive why they cannot be carried on together in these bays.

4972. Do you think that they are precisely parallel cases; you mean, I presume, the Dogger Bank?—Not merely the Dogger Bank; I mean off the north-eastern coast of England generally.

4973. You could hardly compare that with a shallow bay which is now protected from trawlers; it would not be a parallel case, would it?—I think that it would be very nearly a parallel case, because similar instruments of fishing are used; and if one trawl-net can be used without bringing up a line, I do not see why another should bring it up. It is a question of evidence; and all that I can say is, that it was frequently and strongly asserted before us that trawling can take place over the long lines without destroying them; if the contrary can be shown, of course it alters the case.

4974. Looking at the question in an economical point of view, you think that the line fishermen must give way before the trawlers, very much in the way in which the mail coaches gave way to the railways?—I think that in the long run it would be very much to the interest of both parties that such should be the case. I think that those who see the mode of existence in which most of the poorer class of line fishermen live, must be of opinion that it is not a mode of existence which it is desirable to perpetuate, and that anything which would drive them to another mode of living would be a great blessing to them.

4975. Do you confine that to the coast of Ireland?—I apply my remark not only to the coast of Ireland, but to the west coast of Scotland. I think that any legislation which should tend to perpetuate the present mode of existence of the Irish or Scotch fisherman cottier would be a mistake. What I suggest might be a hardship upon the present generation, but I think it would be a blessing to future generations.

4976. Has it not been shown that trawling injures the ground?—Throughout the whole of our inquiry we were between Scylla and Charybdis, between the exaggerations of the trawlers and those of their opponents. That particular statement to which you have referred, I believe, is quite as baseless as many of the other allegations. They talk of the trawls stirring up the ground, they compare it with the operation of ploughing a field, and so forth; but from the nature of the case it cannot be so, because the foot-rope of the trawl shoots over the bottom; the great beam is kept off the ground, and it does not scrape up the bottom, as people are apt mistakenly to suppose. All that the trawler desires to do is to cause the fish which lie at the bottom to rise into the mouth of the net.

4977. There is no doubt that it clears away loose matter, such as seaweed, which sometimes collects upon the bottom, and therefore makes it foul for the fish to lie upon; you, I suppose, believe that?—I have no great faith in that statement. It must be recollected that the seaweed is a sort of forest, full of animal life.

4978. I speak of dead seaweed, carried in in narrow bays?—That is possible; I was thinking of growing seaweed.

4979. The line fishermen and the trawlers are diametrically opposed to each other; you cannot reconcile the evidence in any way?—No; but I think that in course of time you are able to see your way between the exaggeration of the two parties, and to ascertain where the truth lies.

4980. You have several times had to consider the means of settling these conflicting interests; will you state to the Committee, as fully as possible,

ble, your opinion as to a compromise; that is to say, to allow the trawlers to come into the bays after 11 o'clock in the morning until sunset, or during whatever other time you would think desirable?—I do not think that it is possible to make a satisfactory legislative compromise of general operation. I do not think that it is advisable to pass an Act which shall say that, all round the coast, trawlers shall do one thing, and line fishermen another. I think the chances are, that by passing any such Act you would be doing precisely as as much harm as good. I think that if you are to have any compromise at all, it must be one regulated by the particular circumstances of each case, and after very careful inquiry into those circumstances.

4981. Then would you approve of the arrangement, that commissioners, or whatever persons should be appointed to regulate the Irish deep sea fisheries, should report upon each of these restricted bays to the chairman of the Board of Works, who should forward that report to the Lord Lieutenant in Council, and that in that way a proper regulation should be made for each of these bays?—I think that no restriction should be made unless it was sanctioned by the highest responsible authority. it should be made only after a full inquiry, into its necessity, and after a careful consideration of the conditions of the case, and upon the representation of proper persons; but I should be very sorry to entrust that power of restriction to a mere board of subordinate officers. It appears to me that in that way a great deal of harm might be done.

4982. But you would approve of its being done by the Lord Lieutenant in Council, as regards Ireland?—If it was done at all, I would make that restriction upon the liberty of the subject only on the responsibility of the highest authority.

4983. Then, in point of fact, your opinion is that things should be permitted to remain as you recommend in the report of your Commission?—Yes.

4984. But if that is not allowed, and if the Government do not think fit to legislate in accordance with your recommendation, you think that this compromise of permitting the trawlers to come in for a certain time would be fair, under the condition which you have mentioned; that is to say, subject to bye-laws for the narrow bays?—Yes; I should like to see any regulation which was made perfectly flexible.

4985. That would be so, would it not?—I presume that it would be so.

4986. Mr. *Shaw Lefevre.*] But you do not contemplate that, as a portion of that compromise, trawlers generally throughout Ireland should be prohibited from working in the night-time?—No, I do not contemplate any restriction of any kind. If any restriction is made, I think that it ought to be by the highest authorities in Ireland; I should not like to see any restriction made general by an Act of Parliament, and power given to the officers of the Government to relax it. I should almost doubt the necessity of any restriction, except in cases where trammel nets were worked along with trawlers. I do not think that, practically, the trawlers do the line-men so much mischief that you need legislate upon it.

4987. Colonel *Annesley.*] But you are aware that there is a very violent feeling among the line-men against the trawlers?—Nothing could be stronger than the feeling which we found on the north-eastern coast of England; but I am very much inclined to think that the fishermen themselves would in the long run be very much better for the removal of all restrictions, except those which are necessary for adjusting the relative claims of the trammel net fishermen and the trawlers. I think that you would find that all that fermentation would settle down in course of time. Our evidence shows that there was a very great outcry made with respect to admitting trawlers into bays at all; but in some of the bays, after a time, it has become the wish of the whole population that trawling should go on; therefore I should not be disposed to think that the outcry would be one which would be likely to be of any long duration.

4988. And you think that there should be no more protection in Ireland than in England?—No, except in special cases where it is quite clear that hardship must arise. I cannot now cite the particular bay, but I recollect that there was one bay where a very large trammel fishery existed, and where at a particular season of the year the hake and other fish which are taken in trammel nets, came in. That fishery is not only profitable to the local fishermen, but is highly valuable to the community; and I think that it would be extremely wrong to allow trawlers to come over that ground where trammel nets are set: first, because it would inflict an injury upon the local fishermen without any corresponding advantage; and, in the next place, because it would be an injury to the public at large. Therefore, in that bay, and in other bays like it, I think it desirable to have some sort of compromise suggested by practical men who know the locality and the facts of the case. But if I may make a suggestion as to the mode of legislation upon that point, I think that it would be desirable not to pass a general rule, subject to its being modified in particular cases; but that it would be better to entrust the Lord Lieutenant with the power to make a particular regulation for a particular case, and for that case only.

4989. Colonel *Vandeleur.*] From the evidence which you have given, I gather that you are of opinion that the power to make bye-laws ought still to be reserved to the Board of Works Commissioners, with the sanction of the Lord Lieutenant?—That is a matter of practical detail; but, on the whole, I should very much prefer that the power of making bye-laws was inherent in the Lord Lieutenant in Council.

4990. Or that they should emanate, in the first instance, from the report of the Commissioners, and should be afterwards sanctioned by the Lord Lieutenant in Council; that in fact the power should be reserved, as it hitherto has been, to make such bye-laws as may be required for the benefit of the fisheries generally, without applying to any particular class?—I should like to restrict that power of making bye-laws expressly to the cases which I have mentioned; I should not like to entrust any one with the power of making regulations for the fisheries in general.

4991. The bye-law which you would make would be prohibiting trawlers from going into bays at particular times of the year, or at particular seasons?—I should restrict any bye-laws to things of that kind.

4992. You have stated that you are not aware what form spawn takes; from that statement, is it not almost impossible to know whether spawn has been destroyed or not?—I stated that we know

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know nothing whatsoever with regard to the form which the spawn of any sea fish assumes when shed, excepting herring and perhaps cod.

4993. Therefore is it not almost impossible to know whether the spawn has been taken up, or whether it has been disturbed or not, by the process of trawling?—At present we have no positive evidence one way or the other.

4994. But at the same time you have stated that in trawling for soles and other flat fish, a great many small and immature fish are brought up?—A certain portion.

4995. Would you not think from that, that when you find the small fish with a larger fish, that fish had spawned upon that particular bank?—It would be very hard to say that; because the operation of the tides is such, that, unless the small fish make efforts to the contrary, they must change their position very materially in every six hours; so that I should hardly be prepared to give an opinion upon that point.

4996. When you find a considerable number of small fish, we will suppose about two or three inches long, followed up by large fish, is it not natural to presume that those small fish have been bred in those particular beds?—No, not any more than it would be natural to suppose that the children whom you may find running about the streets were born there. Those small fish may have been bred in quite other localities, and may have been driven where you find them.

4997. Can you contradict the general assertion of fishermen, that flat fish spawn upon shallow bays?—It is impossible absolutely to contradict it; but it is no less impossible to find conclusive evidence in its favour.

4998. Would not the fact which you state, of small fish being brought up in trawls, be evidence to support that assertion?—No; because you get a quantity of small fish in shallow pools in which the spawn certainly was not deposited. We had evidence that in Morecambe Bay, upon the coast of Lancashire, the small fish are destroyed in great quantities in the shallow pools left by the tide. But then fish have been drifted to those pools, and have not been hatched there.

4999. You stated that there was a steady improvement in the condition of the people where trawling had been carried on?—Yes.

5000. And particularly at Brixham?—Yes.

5001. Do the Brixham boats always trawl in Torbay?—Not the whole of them; but there is a certain fleet there; there is a particular stretch of sea bottom off Brixham, over which they work.

5002. Is it inside the bay that they trawl?—Torbay is an enormous bay, so that in one sense it is inside the bay.

5003. Do they trawl inside or outside the headlands?—They are guided by the consideration of the weather.

5004. Do they go over the same ground?—Very much so.

5005. They trawl generally all round the coast, and do not confine themselves to their own immediate neighbourhood?—It was stated in evidence by one or two parties that they trawl out one bay, and having cleaned it out, they then go to another bay. That was the assertion made before us over and over again; and we had evidence contradicting it in the most distinct manner. With regard to Brixham in particular, the evidence placed before us is conclusive upon that point, and again with regard to Plymouth.

5006. Was that evidence given by the trawlers themselves, or by line fishermen?—We took the evidence of all parties concerned; and with regard to Brixham, it was a matter of common notoriety; the trawling goes on within sight of their own doors; they come into port and send their fish up to market, so that there is no possibility of doubt about the matter.

5007. The trawlers do not come in every night, or two nights, do they?—At Brixham and Plymouth they come in every night or two, elsewhere they may come in at the end of every week, or may be out for still longer periods. I can speak from my own observations with regard to Carmarthen Bay. I have spent months of several years at Tenby, and you may there see the trawlers working day after day, and they never dream of leaving that ground; and they have done so for the last 50 years.

5008. It has been stated in evidence before the Committee, that the trawlers carry away the lines, and that in Dublin Bay alone in the last year 180 *l.* was paid for damage done to buoys and lines by trawlers?—That is purely a matter of evidence, upon which I can give no opinion; I can only say that there were very conflicting statements as to the damage done to line fishermen by trawlers.

5009. You have been asked as to the oyster fisheries, and you were asked your opinion as to the proposed change in the Bill; you are aware that at present in the case of owners of property who exercise the right from high to low-water mark, when there is a license the license is generally confined to low-water mark; but that the Commissioners have power to throw in some portion of the deep water for the purpose of giving the owners the advantages of the spat, and of preventing dredgers from coming in too close upon their banks; would you consider that to be an infringement of the public right?—It would depend entirely upon how much was given to them.

5010. The proposed plan in the Bill is not to give power to make an oyster bed out in deep water when it is in possession of another party?—If I understand the question rightly, I reply that I can conceive that it would be exceedingly inconvenient to give rights over a foreshore to a person who was not the proprietor of it; but I think, on the other hand, that there can be no objection to giving property on the sea-bottom outside low-water mark to any person; I do not think that it injures the proprietor of the adjacent foreshore in any way.

5011. Do you conceive that properly speaking the planting of oysters can be carried on in deep water?—May I ask what depth of water you refer to?

5012. Considerably below low-water mark?—Oysters are frequently planted below low-water mark.

5013. For breeding purposes?—Not, strictly speaking, for breeding, but for culture; because the ordinary method of oyster culture is to obtain your young oyster or spat elsewhere, and then to lay it down in some convenient sheltered place where it can grow to the full size, which it does in four or five years, and that can be done exceedingly well considerably well below low water-mark.

5014. I think that you have stated that it requires a sheltered place where there is no great run of tide?—I should imagine that a great run of tide would be inconvenient, but it would less affect

affect oysters than most things; at least, after they have attained a certain size, because they are fixed.

5015. It would require a particular kind of shore?—Yes.

5016. There are very few places in which oyster planting can be carried on with any advantage?—Yes, you require a particular kind of shore, and a particular kind of bottom.

5017. Mr. *Malcolm.*] Referring to the bringing up of spawn in trawls, I suppose that it is pretty well admitted that all the deep-sea fish shed ova in separate globules, so that it would be very difficult to catch them except in a towing net?—I should be very sorry to say that, because we do not know. Nobody could have said *à priori* what was the condition of the herring spawn. The herring spawn is a very curious thing; the eggs are, primarily, separate, but becomes connected by glutinous stuff. If you put it into sea water, and let it remain for a certain time, it becomes a dense tough mass, which adheres very strongly to the bottom of the vessel. I cannot say how many other fish are in the same condition.

5018. You said that you had ascertained that there were certain spots on the western coast of Scotland where fish spawned?—There are several places on the coast of Scotland; there is, for example, a place called the Traithhole, off Pittenweem, on the east coast; in that place it has been ascertained that herrings spawn, and for a great many years there was a very great spawning place upon the banks of Ballantrae, on the Ayrshire coast; for some 25 years the herrings came every year in the autumn in vast numbers, and were occupied for weeks in spawning there; there are one or two other localities besides those; and those are the only places which we know of with certainty.

5019. Are there any other places on the western coast?—Doubtless there must be, but we do not know where they are: for example, there is Loch Fyne. I was there for a long time, and the people said that they knew where the herrings spawned, but I could never get any precise information about it.

5020. With respect to trawling in the narrow bays, I think that generally the large vessels will not work into these small narrow bays?—May I ask, what description of bay you refer to?

5021. The majority of the bays which are now protected in Ireland; inside them no large trawler could work?—A large trawler could work in Galway Bay.

5022. Inside the protected line?—That would be a practical point; I do not know.

5023. A trawler must have a certain stretch?—Yes, that is a great practical point in trawling.

5024. I think that you found generally, from your investigations round the coast, that there was a larger quantity of small fish lying close in-shore than there was in 20 fathoms water?—I have never been able to come to any clear conclusion upon that point; it is a thing which is very much asserted, but I am not sure that there is any proof of it; and we had the most opposite assertions about it. You can see the little fish in shallow water, and not in deep water, and probably the fish which you can see make a very great impression upon you, and of course the fish which you do not see make none. I think that the popular notion that the small fish come in-shore is due to that; I do not see why they should do so; and it is quite clear that, as a universal rule, they do not do so.

5025. Do you not think that they come in for protection from the large fish?—It would be very bad policy if they did, because the large fish could get them there as well as elsewhere, and they would also be entangled in the pools.

5026. Then, practically, you do not think that if you fished with the same meshed net in three or four fathoms water, and in 20 or 25 fathoms water, you would catch more small fish in the three or four fathoms water than you would in the 20 or 25 fathoms water?—I think that it would depend a great deal upon the time of the year. If you took the year round I should think that the chances would be that it would be really much the same thing.

5027. Mr. *Shaw Lefevre.*] From your investigations round Ireland, had you any reason to believe that the result of the bye-laws there had been beneficial, or not?—I do not think that the result of our inquiry was such as to lead us to think that those bye-laws were in any degree beneficial.

5028. Do you think that they had any bad effect in discouraging the formation of larger companies, and the bringing of a better class of fishermen to fish there?—That question is so very much mixed up with other questions, that I can hardly give an answer to it. I myself am not quite sure that the objection to large companies would be removed by the abolition of the bye-laws, in Galway Bay for example.

5029. Do you think that the existence of a Commission, with the power to make bye-laws prohibiting trawling in some of these bays, would act so as to prevent fishing of that class?—Undoubtedly, so far as those bye-laws restricted the freedom of action of trawlers, they must tend to fetter fishing operations.

5030. Would they not also tend to create among the fishermen of Ireland the jealousies which rather go to prevent making improvements in fishing?—I do not know that they tend to improve them; but I think that they tend to perpetuate the evil by giving a sort of legislative sanction to their notions.

5031. Mr. *Cooper.*] You have said that your opinion is that trawling never takes up the spawn of fish; do you think that it at all injures the small fry?—I think not; I have never found any evidence of it.

5032. You have heard that shrimping and dredging in shallow water destroy the small fry?—I have no doubt that both shrimping and dredging destroy the small fry of fish to a very considerable extent; but it is another question whether that destruction does any ultimate harm to the fish. In speaking of these questions, you must remember the prodigious destruction which is constantly going on quite apart from any fishing of ours; millions of the fry of fish of every description are being constantly destroyed by their natural enemies, and the operations of man are something utterly insignificant in comparison with that destruction.

5033. Have you ever heard it stated that on one occasion there was a great destruction of fry on the coast of Norfolk, by what they called stop nets; and that for some years afterwards it was hardly worth fishing?—We have had much stronger statements than that; they, however, seem to me to be incredible, for this reason, namely,

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namely, that sprats are taken, year after year, in the same abundance by precisely the same engines; so that I cannot imagine that that means of destruction which should have abolished the herrings would not also have abolished the sprats.

5034. Are you aware that the French Government have taken great pains to ascertain the habits of fish?—I do not know that they have done so of late years; there was a very good essay upon that subject more than 30 years ago.

5035. In the last Report of the Fishery Commissioners for Ireland, there is the following statement by the Secretary: "The French Government, as I understood, do not incline to unrestricted capture at present;"?—As the French Government have always been a protectionist Government, I do not suppose that they would incline to free trade in that respect more than in any other. I think that precisely the same notions which have influenced the Irish Commissioners have likewise influenced the French Commissioners.

5036. Do not the French look upon their fishermen as the means of manning their fleet?—I believe so; and there is a very common superstition in this country that the fisheries are a great source of supply to the naval service in this country, but such is not the case. The merchant service is not supplied from the fishermen, and the merchant service supplies the Navy.

5037. Have you despaired of the possibility of obtaining the spawn of sea fish?—Certainly not; one despairs of nothing in science. But it might be exceedingly difficult to obtain it in the case of mackerel, and any of the wandering fish. I presume that if any one thought it worth while, he might obtain soles and fish of that kind, and then try to breed them artificially.

5038. Do you think that the Government should undertake it?—I think that if all the operations of the fishermen have not given us information upon that point, it is merely because they have not brought up or injured the spawn.

5039. Then you really think that the fishermen cannot injure the fish?—Certainly.

5040. You think that they may take the fish at all seasons, and that they cannot injure in any perceptible way the fish?—That is my opinion. Some years ago, when I was upon the Scotch Fishery Commission, I made an investigation, the result of which I may repeat. The quantity of herrings taken by the Scotch, is something like 800,000,000, but at the same time they take a very considerable quantity of cod and ling. I made a calculation that the quantity of herrings taken on the Scotch fishery does not amount to the quantity which would be eaten by the cod-fish, if they left them where they were. Under those circumstances our operations sink into insignificance.

5041. I suppose that the times of the spawning of the cod-fish are known?—All our information upon the subject of spawning is exceedingly vague. When I was upon the Scotch Commission, I could not at first obtain any particular information about herring. Some persons maintained that the herring spawned in one season, and some that they spawned in another. Careful inquiry showed that they spawn nearly all the year round; but there are certain months, which are maximum months, and that may be the case with all the other fish. For herring there is a maximum spawning time about February, and another about September, round most parts of the coast.

5042. You do not think that it is the same fish which spawn at those different times?—I think it very unlikely.

5043. You have spoken of Brixham; are you acquainted with the apprentice system which they adopt there; that is to say, binding parish boys as apprentices?—No; that was no part of our inquiry.

5044. Do you look upon the planting and cultivation of oysters as a speculation or do you think that we have sufficient knowledge to make sure of the success of it?—You cannot make sure of the success of a thing which largely depends, like crops of corn, or any other crops, upon climatal conditions, but I think that you can work with a very great prospect of success. I imagine that the culture of oysters in the hands of a person who knows his business has the same chance of success as, say, a crop of hops.

5045. Is an oyster fishery a sort of business upon which any prudent man, such as a banker, would lend money, in order to assist in carrying it out; do you think that you could give sufficient security of success to induce a man to lend money upon it?—I think that the probability is that if managed by a prudent and competent person, an oyster fishery would yield a very large return; as a matter of fact, the Whitstable people make it very profitable.

5046. By artificial culture?—Yes, by oyster culture; but artificial culture is not the actual breeding of oysters; it is the collection of young oysters, and putting them in a condition in which they can thrive.

5047. Mr. *Shaw Lefevre.*] These young oysters are the stock in trade?—Yes; advancing money for an oyster fishery is precisely similar to advancing money for hop crops.

5048. Colonel *Vandeleur.*] Has not the oyster doubled itself in price in the last few years?—Yes.

5049. In the Report of the Royal Commissioners, is it not stated that it is now found exceedingly difficult to get the small oysters for fattening purposes, when the beds have become exhausted?—It is not from the exhaustion of the beds, but simply from the failure of the spat during two or three consecutive years.

5050. There are no breeding beds?—There are no such things as breeding beds for the exclusive purpose of breeding.

5051. What time does it take between the existence of the spat, and the time when the oyster would be fit for the market?—About five years.

5052. Mr. *Cooper.*] Is it a speculative kind of business to attempt to plant an oyster bed; or, in your opinion, is sufficient known of the habits of oysters and their conditions to carry on that business with tolerable success?—I think that it may be so carried on in the hands of a competent man; there are men who would carry it out very well. We had some such men before us, and examined them, and there is no doubt that if the locality is selected with judgment the oyster culture may be an exceedingly profitable thing; but it has all the chances of an operation which is largely influenced by climatal changes.

5053. With regard to doing away with all restrictions, it has been stated, and I think admitted, that the herrings are frequently frightened?—It is stated in evidence, but is not admitted;

mitted; it is one of the statements which was made over and over again by interested parties. It was one of the allegations which we had to go into in Loch Fyne, made against people who were called trawlers, but who were circle-net fishermen, and not trawlers in the proper sense of the word; I can find no positive evidence of its truth.

5054. Would you object to herring nets being set in the day time?—As a matter of fact, herring nets very often are set in the day time; but there is a very general prejudice against the practice on the part of the fishermen; how far they have a good foundation for that prejudice I do not know.

5055. Have you ever heard of herring spawn being collected and brought into bays and allowed to hatch, very much in the same way as you stock a river with salmon, and that it has very frequently brought herrings into bays which they did not formerly frequent?—No; it has been attempted once or twice.

5056. Has it not been done in America?—I am not aware of it. Experiments were made in this country some years ago upon this subject, but they did not come to anything.

5057. Do you think that other fish prey much upon the spawn of the herring?—They prey enormously on the spawn of the herring; and indeed the evidence to that effect is one of the most curious examples which I know of what you may do by interfering with the Fisheries by legislation. At the Traithole, of which I have spoken, complaint was made that the trawlers went over the herring spawn at the time when the herrings were spawning, and so destroyed an immense quantity of spawn of the herring; and you would say that it stands to reason that they must have done so. But the fact is that the trawlers went there at that time of the year because they found that they could get great quantities of turbot and soles and flat fish, in that locality; and when they opened the stomachs of those fish, they found them actually gorged with herring spawn; so that the trawlers, so far from doing anything which would injure the herring spawn, were carrying off the enemies of the herring.

5058. Colonel *Tottenham.*] Did I rightly understand you to say that you would disapprove of any general regulations inserted in an Act of Parliament?—Yes; it would be a chance whether they would operate beneficially, or not.

5059. Regulations and the abolition of regulations are the same in principle, are they not?—I do not clearly understand how they can be the same.

5060. If you make a general regulation in an Act of Parliament, is it not the same thing in principle as making an Act of Parliament, which shall abolish all regulations?—It does not appear to me to be the same thing, whether you say that trawling shall not take place in any part of Ireland after 10 o'clock at night, or whether you abolish such a regulation; I think that restrictions, so far as they might be general in their operation for all parts of Ireland, would be undesirable.

5061. You concur with the recommendations of the Royal Commission?—Yes.

5062. The first recommendation is "that all Acts of Parliament which profess to regulate or restrict the modes of fishing, pursued in the open sea, be repealed, and that unrestricted freedom of fishing be permitted hereafter"?—Certainly.

5063. You would make it general?—Yes; but surely the taking away of all restrictions is not making a law; it may be so in a philosophical sense, but it has not practically the same effect.

5064. Is not taking away a general restriction, hitherto existing, making a change in all localities?—Certainly; it is taking away all restrictions.

5065. It is perfectly general?—Certainly.

5066. And it is applicable to every locality?—I think so, but I doubt whether any specific restriction can be applicable to all parts of the world.

5067. The Bill before us professes to abolish all restrictions, and I understand you to have objected to that, because it is general?—I have made no objection to the Bill before the Committee; what I said was, that I doubted whether it would be practicable to make any restrictive regulation which should work well in all parts of Ireland, and that a regulation which might be useful in one locality might not be useful in another; but I do not know what regulations are proposed.

5068. I understood you to say any regulation?—No; I confined my remarks to restrictive regulation, and I had in my mind at the moment the sort of restrictions which had been made by the Fishery Board, such as saying that you shall not trawl after a certain hour at night; I think that if you make any such rule general in all the bays of Ireland, the chances are that you will be doing a great deal of mischief.

5069. I understood you to go further, and to say that any regulation which should be made, should be made after careful inquiry into the circumstances and local inquiry?—Yes.

5070. From what you have seen of local inquiries, would you not say that any regulations founded upon them would be very delusive, and, perhaps, very erroneous?—It was for that reason that I proposed that no such regulation should have force unless it had the sanction of persons really responsible for it. I would empower no body to make regulations except the very highest authorities who could be really responsible for them.

5071. Do you think that there are any sources of local information upon which the highest authorities can rely?—I should hope so.

5072. Did you find any such in your inquiries?—Certainly, sometimes; I ventured to exercise my own criticism upon that information, and I should propose that any officer of the Government should do the like.

5073. And having exercised that criticism, you concluded to and recommended that there should be unrestricted freedom of fishing hereafter?—Yes; except on grounds of police.

5074. You state in your Report, "With the exceptions, purely on the ground of police, of the Local Act regulating pilchard fishing at St. Ives, and for that part of Loch Fyne which lies above Otter Spit, of the Act prohibiting trawling for herrings in Scotland"?—Quite so; I think that our opinion was that restrictions in general are especially bad things, and that there is no ground for them whatsoever so far as the benefit of the fishery is concerned; but that there may be certain cases where the peace and quietness of the neighbourhood require that there should be some restrictions, and then, very unwillingly, we admit them.

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5075. After the careful investigation which you made upon this subject, the only places where you thought it necessary to recommend that restrictions should be made, were St. Ives and at Loch Fyne?—Those were the only places where the facts before us seemed to justify that recommendation, whether there might be, upon further inquiry, any particular reasons for having restrictions in some of the other bays, we did not say; but we were clear as to those particular places, and reported accordingly.

5076. Mr. *Shaw Lefevre.*] I understand you to say that as regards trammel net fishing, you think that it might be desirable to have some restrictions?—Yes.

5077. Is not that confined to the bays upon the southern or the western coast of Ireland?—It is very largely there; but it is also practised in other places.

5078. Such regulations as you would recommend would be purely of a police nature?—Yes: I look upon them as misfortunes which, for practical purposes, should be allowed.

5079. Colonel *Annesley.*] But still if you had the power yourself, you would be willing to use it for the sake of peace and quietness?—Yes; I can quite understand that in some districts it might be undesirable to interfere with the calling of a large body of men; and I think that it would be undesirable for the public that trammel-net fishing should be abolished.

5080. Colonel *Vandeleur.*] You think that each party should not interfere with the other?—Yes.

Wednesday, 3rd July 1867.

MEMBERS PRESENT:

Colonel Annesley.
Sir Henry Winston Barron.
Mr. Blake.
Mr. George Clive.
Mr. Cooper.
Lord Dunkellin.
General Dunne.
Lord Claud John Hamilton.
Mr. Ion Hamilton.
Lord John Hay.
Mr. Herbert.
Mr. Kavanagh.
Mr. Maguire.
Mr. Malcolm.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

Staff Commander RICHARD HOSKYN, R.N., called in; and Examined.

Staff Commander *R. Hoskyn*, R.N.

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5081. *Chairman.*] You are an Officer in the Royal Navy?—Yes.

5082. You are at present superintendent of charts at the Admiralty?—Yes.

5083. You were for a number of years engaged in the coast survey of Ireland?—I was.

5084. For how long?—For 20 years.

5085. What portions of the coast of Ireland did you survey?—The northern and southern and eastern portions.

5086. In the course of your survey it was essential for you to sound in all depths of water?—Yes.

5087. And your survey extended, as you state, over the whole of the eastern coast of Ireland, and, I believe, over a large portion of the south, the south-western coast as well?—Yes.

5088. Lord *John Hay.*] Did you not say that you surveyed the north-eastern coast?—I was employed as assistant on Captain Frazer's survey; so that I am intimately acquainted with it all.

5089. *Chairman.*] Besides making those surveys for the purpose of soundings on the coast, I believe that for the purpose of scientific inquiry you employed an apparatus for bringing up minute objects from the sea bottom?—Yes.

5090. That apparatus, I believe, was used by you in every depth of water; from 200 fathoms to a few feet of water?—It was.

5091. From the construction of it, would the very minutest objects be brought up from the bottom?—Yes.

5092. Small crustacea and molusca?—Yes.

5093. And fish of the minutest character?—Not fish; fish escaped it; it was not drawn fast enough to catch fish.

5094. But it brings up small dead fish if they happened to be in the way?—Yes, anything which could not swim out of the way.

5095. If there had been spawn on the ground, would that apparatus be sure to bring it up?—Yes.

5096. Will you be kind enough to describe to the Committee what was the size of that apparatus?—It is about 15 inches long and 6 inches wide. It is an iron dredge; it is used by naturalists. The advantage of it is, that whichever way it falls, it falls with the sword downwards, and the boat drags it over the bottom. In scraping along the bottom, that apparatus gathers up everything.

5097. Mr. *Herbert.*] Are those swords made to act in the shape of a plough?—No, they are more like a knife to scrape the bottom.

5098. Do you know how deep that apparatus goes into the sand?—We endeavour not to let it go into the sand at all; if it does so it stops the progress of the boat; you must regulate it by the tow line. Directly it stops the boat we are obliged to shorten the tow line to let it scrape along the surface.

5099. *Chairman.*] Is it quite certain that on many occasions when that apparatus was lowered into the sea for the purpose of dredging, its operations went on in small patches of sand between portions of rocky and rough ground?—I presume that they did; that was the formation of the bottom in many parts. It scrapes over the rocks; the rocks obstruct it very much. You can scarcely use it in a very rocky bottom; it is used then with great difficulty, and it is only when it comes to a clear patch between the rocks that you can drag it.

5100. Was not a good part of your scientific operations carried on in bays and estuaries, and in very shoal water?—Yes.

5101. Did you upon any occasion bring up fish spawn?—Never; and I never saw anything which resembled it.

5102. Is it your opinion that if it had come at all into contact with fish spawn it would have brought it up?—Certainly, if there had been any fish spawn at the bottom.

5103. In deep water, did you ever bring up any spawn?—Never; I never saw anything that resembled spawn brought up.

5104. What was the greatest depth at which you used that apparatus?—I have seen it used in 400 or 500 fathoms. In that depth of water it comes up full of fine mud, it simply sinks into the mud. I have frequently brought up an abun-

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dance of sea urchins and crabs, and small crustacea, from 100 fathoms.

5105. From your investigations in the way which you describe, what was your conclusion with respect to the deposit of fish spawn, so far as regards the shallow waters in bays and estuaries?—I have always been of opinion that the probability is that the fish deposit their spawn on their feeding grounds; as much probably in deep water as anywhere else.

5106. General *Dunne.*] That is mere probability?—We find animals there, such as star-fish, and hermit crabs and sea urchins. They cannot get away from the locality in which they feed, their ova must therefore be deposited there, and if so, why not the ova of other fish.

5107. *Chairman.*] Is it not the fact that the feeding grounds in which you conjecture that the spawn may be deposited, are where a trawler cannot work?—Yes; trawlers cannot work over those rough grounds, they can only work on smooth ground, and this forms a very small portion of the known sea bottom. On most parts of the coast of I reland the bottom is so rough that a trawler cannot work at all. The trawling grounds are confined to a very limited area.

5108. The trawling grounds along the coast of Ireland are very small, compared with the whole coast?—Very small.

5109. Will you point out upon the map which you have brought with you, the trawling grounds along the coast of Ireland?—(*The Witness pointed out the same.*)

5110. Is it your opinion that on those portions off the coast where the trawlers do not work, great quantities of fish are congregated for the purpose of feeding, and that those places form a sort of preserve for them?—Yes; on those rough grounds there is an abundance of animal life, and the animal life becomes the food of the fish. The long-line fishermen generally shoot their lines over the rough ground, and it is there that they take such fish as they get.

5111. Are you aware that restrictions against trawling have been imposed by the Board of Works in Ireland, in 13 bays and estuaries, from time to time; some of those bays embracing, as upon the eastern coast, long lines of coast?—I know that there are restrictions against trawling; I do not know the particulars of them.

5112. Do you consider that those restrictions are essential, with a view to the preservation of spawn from destruction?—I know that there is a very strong feeling on this subject among the coast population around Ireland, but I do not think that the fish go into the bays to spawn. I think that if they did, we should see them there, and we never do see them.

5113. In the course of your surveying operations, you were enabled to form some idea of the large quantity of fish around the coast?—Yes.

5114. Do you think that if the greater portion of the fish came into bays and shallow waters to deposit their spawn, it would be possible for the large quantity of spawn deposited to escape notice?—I do not think the fish approach the bays to spawn, but if they do, the trawlers can take them if allowed.

5115. If the idea of the Board of Works were correct, that most of the fish came to bays and estuaries to spawn, would it be almost difficult to navigate such places in the spawning season?—I do not know; but such multitudes of fish could not come into the shores without attracting attention. If all the cod and turbot, for instance, came in for the purpose of spawning, the bays and estuaries would be at those seasons teeming with fish, which we do not find to be the case; and the fish caught there are generally of an inferior quality; if you catch a cod in a harbour or estuary, it is generally a lean lanky fellow, which has perhaps come there for its health. The deep sea fish are never in condition when they are caught in estuaries. There may be good plaice caught in them, or other fish that inhabit shallow waters.

5116. If every possible engine were employed to capture fish, in your opinion, would it have a sensibly injurious effect upon the reproduction of the species?—I think not; I think that the portions to which man have access are so very limited, compared with the whole area over which the fish are found, that nothing which man can do can perceptibly affect the numbers of fish in the sea. I think that what man should do is to take all that he can out of it.

5117. Then you would recommend the use of every means which can be devised should be employed for the capture?—Yes; I feel sure that the full grown fishes destroy more of their own species than man does. They are so voracious, and they prey so much upon each other, and occupy so large an area, to which man cannot get access, that I think that nothing which he can do will sensibly affect the quantities of fish in the sea. Referring to the great banks to the westward of Ireland, I believe that it was only a few years ago that it became known that fish abounded there. Fishing boats now go out to Rockall and catch immense quantitities. It is just possible that those fish may feed and live at the bottom of the Atlantic, but even supposing that they are confined to the area occupied by the banks, what effect can the 20 or 30 boats fishing round Rockall have upon the vast numbers that may be supposed to inhabit those extensive regions.

5118. Is it a fact that living fish and other creatures have been found in the ocean at as low a depth as 1,200 fathoms?—They have been found at a depth of 1,250 fathoms; living star fish have been brought up from that depth, and star fish form part of the food of the cod; I have caught cod fish, which on being opened to see what their food was, have been found full of star fish; and on putting over the dredge, I have found that we were on a bank of star fish, so that if there are star fish at 1,250 fathoms, there is no reason why cod should not be there to eat them.

5119. I believe that the greatest depth at which a trawler can work, is about 80 fathoms?—Eighty or 100 fathoms.

5120. Do you look upon it as probable, that fish, as a rule, spawn at depths beyond what trawlers can work in, that is to say, beyond 100 fathoms?—I have caught fish to the westward of Ireland, in depths of 100 fathoms, which are not known on the coast of Ireland. The inference is, that they must live and breed upon the bank where they are found. If they had visited the coast of Ireland, they would have been described among British fish, but they are not so described.

5121. Were not the crew of the surveying vessel to which you were attached frequently allowed to fish round the coast of Ireland?—Yes.

5122. Did they often capture fish in places not frequented by fishing vessels belonging to the coast population?—I cannot say so, excepting when we have been at long distances from the land

land on the west of Ireland; close into the shore the fishermen, in their little boats, fish everywhere, and I don't suppose that any description of fish that frequents the shore has escaped them.

5123. Do you think that there are many important fishing grounds round Ireland which are not availed of?—I think it very likely; there is a vast area in the south of Ireland, called the Nymph Bank; it would be a matter of great importance to the trawlers if some clear space were discovered there that they could trawl on.

5124. Does not it occur that even upon flat sandy ground, where trawlers can work, fish, owing to the peculiar nature of that ground, do not frequent it?—Yes, there are some sandy bottoms on which no fish are found; the fishermen call that ground dead sand; there is no animal life there, and consequently there is no food for the fish; and a trawler may be placed there without getting any fish; there are other small patches contiguous to that sand of a different quality of bottom, where fish will be found; but the great nursery for the fish is where there are rough grounds, and where no trawls or nets can approach them.

5125. The expression has been used by some witnesses who have preceded you, of "grounds being trawled out"; do you think that it is likely that they have been trawled out, or that the fish having exhausted the feeding they found on the banks, have gone elsewhere?—I think that it is very possible that the trawlers have taken all the fish on some of those banks, but they would return again after a time, from the surrounding regions.

5126. In the course of your experiments were you led to the opinion that fish very frequently go in large shoals away from certain banks, and take to others?—There is no doubt the fish migrate; they go from one place to another as their food changes, and perhaps as the season changes; and are not always in the same part.

5127. Is it not likely that the shoals of fish which have abandoned certain banks upon the coast of Ireland might, upon investigation, be found elsewhere?—I think that it is more than probable that they might.

5128. Then would you not consider it highly desirable for the Government to direct a survey to be made, with the view of ascertaining whether other banks resorted to by fish can be found?—I am sure that a great benefit would be conferred by it upon the trawlers, and I think also on the line fishermen. I do not know about the Government directing it. If parties interested in fishing would explore wherever there appeared a probability of finding fish in large numbers, the object would be gained. The fish congregate at different parts, and then it becomes a paying concern to go after them.

5129. Such a survey, I presume, would be best carried on by sending a large and well-equipped trawler?—Yes, it could only be done by people well conversant with fishing.

5130. But from the cost and trouble of such an undertaking, I suppose that it could only be undertaken by the Government?—I have spoken to Mr. Good and other chief owners of trawlers, and I have asked them why they did not do it, and they have always given the reason that their men were paid by shares, and that they could not afford to pay them for that description of work, but they have expressed a desire that something of the kind should be done.

5131. But they would not undertake it themselves?—No; they have always said that they could not afford to undertake it themselves.

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5132. Do you consider that 20 years ago, when you were engaged in the coast survey of Ireland, the fisheries were at all developed to the extent to which they might be, considering the quantity of fish round the coast?—As long as I was acquainted with the fishermen, they always appeared to be in a very depressed state; I do not speak now of the Dublin Bay trawlers; their boats were very ill found, and they themselves were wretchedly poor, as compared with the fishermen on the coast of England; at the same time, they had some very fine boats, as the Irish hookers. In the north there is an abundance of fine fish, but there are no trawling grounds known. Turbot are caught in large numbers by the hook on Hempton's bank. The boats which go out for them are open yawls, and when overtaken by the heavy gales that prevail on that coast, are frequently lost; they ought to have half-decked boats. These poor fellows taking advantage of a fine morning, launch their small yawls, and go out to the banks, a gale comes on, and they do not get back again.

5133. Do you consider that, 20 years ago, a great many more boats and a profitably greater number of men might have been employed?—I do not understand why, if it is a remunerative thing, more boats and men do not go after the fish.

5134. Do you consider that, 20 years ago, the fisheries of Ireland could have afforded greater employment than to the number of men and boats actually employed?—I do not know; I cannot answer that question from my own knowledge.

5135. Do you think that at that time the fisheries were properly developed?—Not at all. Neither the boats nor the gear were fit for carrying on any enterprise; they were far below the mark.

5136. If, as is the fact, that the men have decreased to one-third of what they were, and the boats to less than one-half, do you not think that the fisheries, if properly developed, would give employment to a very much greater amount of men than the number now engaged?—I think that there can be very little doubt about it.

5137. As an officer of long standing in the Royal Navy, are you of opinion that it would be politic of the Government to encourage the Irish fisheries, with the view of making them a nursery for the Royal Navy?—That is a question of politics. The whole system of manning the navy of late years has so much altered that in this respect the navy is now becoming more like the army; they require trained gunners and trained seamen, so that they are obliged to make their own men.

5138. Colonel *Annesley*.] Your evidence would tend to doing away with the restrictions upon trawlers; do you not think that that would be a great hardship upon the line fishermen?—I do not think that it would interfere with the line fishermen at all, because the line fishermen are employed upon the rough ground; they do not fish in the very limited areas over which the trawlers can go. I do not suppose that a line fisherman ever shoots his line there.

5139. Are you acquainted with Dundrum Bay?—Yes.

5140. That is a shallow, sandy bay?—Yes.

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5141. The line fishermen consider that if trawlers came in there, it would destroy them altogether?—There must have been some things more in the question or I must have misapprehended it, for this does not apply to it; I should be very sorry if trawlers confined themselves to shallow bays, because the best fish are not found there, but outside in the deep water.

5142. The opinion of the line fishermen is that the trawlers would come in there, because the bay is full of flat fish. If the restrictions there were done away with, do you think that the trawling would interfere with the line fishermen?—I think that it would interfere with all those fellows who keep along shore, and have no means of going out into the deep water. I think that the true ground for these restrictions is the protection of the local interests. I do not suppose that any person imagines that the fish go from the deep sea into the estuaries to spawn; but all persons know that trawling there interferes with the poorer fishermen who get a livelihood by fishing along the shore.

5143. From your knowledge, would you advise Parliament to do away with the restriction in that case?—My evidence is only of a practical nature, and I think that this is more for the consideration of those who know the wants and feelings of the coast population. If Parliament likes to protect their interests, they may do so, but as far as it affects the produce of fish, I do not think that it matters at all; in so far as the production and preservation of fish are concerned, man cannot much interfere with them in the deep sea; it is not like the rivers.

5144. Colonel *Tottenham.*] Putting aside the interests of individuals, do you think that it would be an advantage to the public that those restrictions should be done away with, as tending to increase the supply of fish to the market?—I do not know; that is a doubtful question. In some places, as for instance, in Belfast Lough, I have observed that the fishermen are not allowed to go within a certain line. I think that if they were allowed to go inside, they would catch more fish.

5145. Do you think that a great many fish escape being caught, on account of the present restrictions?—Yes; I am not aware what the restrictions are in all bays; in Belfast Lough there was a line drawn, within which no trawlers were allowed to work; the boats employed here are much smaller than the Dublin Bay trawlers; but none of them were allowed to go within a certain line, an arbitrary line which was drawn.

5146. From point to point?—Yes.

5147. Sir *Henry Winston Barron.*] If all restrictions were done away with by Act of Parliament, do you think that in some localities it might be injurious to the population of the coast?—I think it is very likely that if the large trawlers were encouraged to go into the bays, they would interfere with the livelihood of the poor fishermen who live along the shores of the bays.

5148. Would your opinion lead you to advise that a certain power should be left in the hands of Commissioners, rather than having it laid down arbitrarily in an Act of Parliament for the whole of the country?—I think that it may be right that different localities should be governed by different local arrangements, suitable to their requirements. Some estuaries on the west of Ireland are probably insufficiently fished, and if there was an Act of Parliament prohibiting fishing of a certain description in all bays, the markets would be deprived of the produce of those bays. There are other places where very poor men are able to eke out an existence by fishing close along the shore, who perhaps would be deprived of it, if the deep sea trawlers were allowed to fish there. As far as the protection of fish is concerned, I do not think that it would influence it at all.

5149. I think you have stated that in your experiments and experience, you have never discovered that spawn was taken up by trawlers?—Never.

4150. Are you aware that spawn can by possibility be taken up in trawlers?—I do not know whether it can or not; it is possibly something very analogous to salmon spawn when it is laid. I do not know how long it takes to vivify it; but possibly that spawn may be vivified very rapidly after being deposited. If the fish deposit their spawn on the rough and foul grounds, which seems most natural, because there is most protection there, and most food for the young fry, then the trawlers cannot get it, because they never go there.

5151. May not the fact of taking up no spawn in the nets have arisen from the size of the mesh permitting that small article to pass through?—The nets come up full of all kinds of material from the bottom; crustacea and sea-weed, and even an immense quantity of sand is brought up; if they obtain sand they would also obtain spawn, if it was there; the nets are choked with the stuff brought up; several hundred weights are turned out at every haul.

5152. I conclude, from what has been stated by some of the witnesses who preceded you, that a trawler may disturb the places where the spawn is deposited, without bringing it up?—When we consider the extremely limited area over which the trawlers can work, I do not think that it matters whether they do disturb any spawn that may be deposited there, or not.

5153. You, I think, have stated that if the fish came in to spawn near the shore, they would come in such vast quantities that in many instances they would choke up the bays and estuaries?—They could not escape observation.

5154. Is it not a fact, so far as your imperfect observation goes, that fish spawn at different seasons?—I think it very likely that they do; but there is one season towards the spring and summer when we find that the seas teem with fry, and when the pilchards, and mackerel, and herrings all come after the fry; and that I think is the season when the spawn is deposited.

5155. With regard to the more important fish, the codfish, and so on, have you any knowledge as to the time at which they generally spawn?—No. I have no idea. Referring to your former question, 5153. I know that on many parts of the coast of Ireland there are great quantities of turbot, which cannot be caught by trawlers because the ground is too rough, but which are caught by the line fishers; if these came into the estuaries to spawn they would be sometimes captured there, but I have never heard of a turbot being caught in an estuary.

5156. Supposing that information has been given to us that a large quantity of hooks and gear has been destroyed by trawlers, do you think that that is very likely; or what is your opinion upon that point; it has been stated that the trawlers have carried away the hooks and lines, and nets which have been shot for fishing; and I believe

I believe that evidence was given to us that during two or three months at the beginning of this year in one district alone the loss to the poor fishermen from that cause was upwards of 100 *l.* a year?—Was the district named?

5157. Yes, outside Dublin Bay; and the officers who commanded the coast-guard in that district sent in written evidence of it?—Such things may occur on some parts of the coast; rival interests clash with each other, and come in each others way; but, as a general rule, it does not occur; as a general rule, the line fishermen do not shoot their lines where the trawlers work. There is a district off Dublin Bay, called Rockmoy, where, at a certain season of the year, the line fishers go for haddock, and I think it likely that the trawlers may also be there at that season.

5157*. Lord *Dunkellin*]. Do you think that it would be advisable to have any close time?—I think not.

5158. We have had evidence in favour of a close season in the early months of the year; is not that the time when the best fish are caught by trawlers?—I think that it is; the best fishing, I believe, is in the winter season.

5159. That is the time when, from the roughness of the weather, the line fishing subsides?—Yes.

5160. So that during those seasons a restriction upon trawling would deprive the market of fish?—Yes; I think that it would be utterly useless to place restrictions on deep-sea trawling, and wrong to interfere with it.

5161. General *Dunne.*] I understand you to say that the fish mostly spawn on their own feeding ground, where trawlers cannot trawl?—Yes, from the nature of the bottom.

5162. You draw the inference that they spawn in deep water?—Yes.

5163. May they not have come from distant coasts?—The coast of Ireland, distant about 120 miles, is the nearest coast to the Porcupine Bank where the fish of which I have spoken are found; I have also found them on Rockall Bank, but they are not known on the coast of Ireland.

5164. Therefore, your inference is that the fish spawn where they are found?—Yes.

5165. Do not fish spawn in different situations in all countries?—We know so little of the habits of the sea fish that cannot say; I would combat the opinion that they come into the shallow bays to spawn; I think that we have no evidence of it whatever.

5166. With regard to any regulation as to trawling, I understand you to say, that you would recommend that it should be done by local persons under a central authority?—That is a subject to which I have not given much consideration; it is rather beyond my limits, but I think that it would be better than making any general law to apply to the whole coast. Such would be open to the same objection as the laws applying to salmon fishing, which, although not in season at the same time in all loughs and rivers, are subject to the same general law regarding their time of capture.

5167. You say that you find the Irish fishermen much poorer as contrasted with those in England?—Yes.

5168. Can you give any reason why that poverty should exist in Ireland?—I cannot; it may arise from a want of energy, or from the fact that the fisheries are not so productive as has been represented; I do not know which it is, whether it is a want of thrift or a want of productiveness.

5169. Can you give any opinion as to the relative productiveness of the fisheries in England and in Ireland?—There is, on the coast of Ireland, an abundance of fish, and we see men and boats coming from the Isle of Man, and from Cornwall, and from other parts, and sending home thousands of pounds through the banks, but the native fishermen are not sharing in it.

5170. Those men from other parts come to seek fish on the Irish coasts?—Yes, and it is the same with the trawlers; the men who have succeeded in trawling are Englishmen, or their fathers, have been Englishmen. They have come from Brixham and from some of the little ports on the Welch coast, and established a remunerative fishery in Dublin Bay.

5171. I believe that Englishmen do not go on the western coast of Ireland?—I have understood that the large trawlers in Galway Bay, belong to Dublin; but the Galway fishermen have fished their own bay I think as well as it could be fished; they have worked there very well; they have not such large or powerful vessels as the Dublin men have, but the Claddagh fishermen have been famous.

5172. Do they fish with trawls, or by the long line?—I think that they have trawls, but not so large as the others.

5173. Is not one cause of the trade of fishing being an uncertain one, the coming and going of fish at uncertain times?—Yes; but fishermen acquainted with their calling, know where to follow the fish. As respects Cornwall, it has often occurred to me, what markets could they have had for their fish before the railways came; and yet they maintained large and well found luggers, a fleet of which I have seen standing far out to sea, where their experience had taught them to follow the fish in their migrations.

5174. Therefore you think that good fishermen, as a principle, must not confine themselves to their own locality, but must follow the fish?—They must be prepared to do so; I think that one cause of the poverty of the fishermen is, that their boats and vessels are not fit for the work.

5175. If they are confined to their own particular locality, they must depend upon the alternations of the fish which happen to come to that shore?—They must.

5176. Do you know Cape Clear?—Yes.

5177. Are the people very poor there?—Yes.

5178. Is not that from the fish at times not coming, and at other times coming in very great quantities?—Yes.

5179. At times, are not the fish in such multitudes that they cannot catch them?—At the entrance of Waterford Harbour I have seen mackarel in such abundance that they have not had nets to catch them with.

5180. And at other times they have none to catch?—Yes.

5181. Is not the want of means a cause of the poverty of the people?—Yes; I dare say that it is.

5182. You have said that you have never known trawlers interfere with line fishermen?—I have not known it.

5183. Do you know that in Dublin Bay there was a dispute about it?—It is probable. There is trawling, I know, at the mouth of Dublin Bay, and I know also that they shoot lines there for haddock,

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haddock, but only at one season of the year, namely, about October, I think.

5184. You are quite of opinion that the fish in deep water is better than in shallow water?—Yes, the cod especially.

5185. We have had an account of the fisheries from almost all round the coast, except from Lough Foyle, in the county of Down, on the north eastern coast of Ireland; is any fishing carried on there?—Very little fishing, excepting for salmon, and herrings in the fall of the year, is carried on in Loch Foyle; soles are taken in the bay, outside, by small trawlers; and small open yawls, already referred to in 5132, go out from the Inishowen shore, Port Stewart, and Port Rush, to fish with long lines, but the ground is generally too rough, and in the North Channel the tides are too rapid for trawlers.

5186. And is not the coast rocky in several places?—Yes, it is an iron-bound shore.

5187. Then you would not recommend an increase of arrangements for fishing there?—No, it is not well adapted for it; but I would not exclude the hardy enterprizing fishermen of the north coast from participating in any arrangements devised by Parliament for better developing the Isish fisheries.

5188. Do you know Ardglass Bay?—Yes.

5189. Is that a good locality for fishing?—The pier has been destroyed by storms, but multitudes of boats, during the rainy season, cling to the ruins for the partial sheter it affords.

5190. Whenever that pier is repaired, will it be a good fishing station?—Yes.

5191. Are there any good fishing stations to the north of that?—We come round to Belfast Lough and Donaghadee; there are fishermen all round that shore who go after the herrings.

5192. That is the least productive of the Irish shores, is it not?—I do not think that it can be well worked, the tides are too rapid.

5193. Do you think that on the coast of Ireland there are a sufficient number of piers, or not?—It is stated that the fishery piers round the western coast, and almost everywhere, are in a state of dilapidation.

5194. Then, is it your opinion that the Legislature ought to take some measures for the repair and maintenance of those piers which exist?—I believe that most of them have been built by the Government, and I suppose that they think that the localities should keep them up.

5195. You are aware that there is a law that the counties should keep them up?—Yes.

5196. But that the counties do not keep them up?—That, I think, is a very great pity; but if it is not done by local exertions, I think that no Legislature can do it.

5197. Has it occurred to you that there is the difficulty, that while the shore people are interested in a pier, the persons in the interior are not interested in it?—I suppose that that is the case with everything in a county, for instance, a road; but, to my own knowledge, the landlords derive a great benefit from the pier, inasmuch as the tenants could not pay their rent except from what they get out of the sea. When a pier is built, if the fishermen or other industries make use of it, the pier should be maintained by a local rate.

5198. Sir *Henry Winston Barron.*] It has been suggested by a witness here, and I think by more than one witness, that night trawling should be prohibited, in order to protect the gear of the long-line fishermen and the other nets from being destroyed by the night trawlers; what is your opinion on that point?—While the trawlers are shut out from the bays and estuaries, they certainly might be permitted to pursue their calling where they can. If you say that trawlers shall not trawl at night, you must provide a fleet of gun-boats to watch them and prevent them from doing so. How can you prevent their trawling when they are scattered over the wide surface of the sea? In the estuaries, where the law says they shall not trawl, and the revenue cutters are continually after them; but you cannot tell what a boat is doing unless you are close to her. I think that it is very wrong and injurious to interfere with the trawlers; it is a very hard calling, and it is only by thrift and industry, and the endurance of a great many hardships, that they can make it answer at all; and I am quite sure that all their operations do not make one fish less in the sea. Moreover, it is the only means by which our markets can be supplied with an abundance of the best kind of fish, and if there are any further restrictions placed on trawling, it will be very injurious to the public.

5199. Colonel *Vandeleur.*] From your knowledge of the western coast, will you name the best stations which would be suitable for fishing on a large scale; are you not acquainted with the western coast?—I am not so intimately acquainted with it as I am with other parts of the coast of Ireland. I have been on parts of the western coast.

5200. Do you know the coast of Mayo?—I know it all, and Galway also; but I do not think that fishing operations can be carried out remuneratively upon a large scale by companies. I know that they have always failed, and I think that they will always fail. It can only be done by shares, and when those engaged in it are depending on the commercial prosperity of the concern, I do not think there is any fishery on the coasts of Ireland that will bear the expenses of a company, with its train of salaried officials.

5201. Are you of opinion that the parties who carry on fishing ought, in order to carry on the work profitably and with advantage to the public, to be entirely fishermen; or would you say that there might be a combination between small fishing and the cultivation of land?—That is found to be a very profitable way of carrying it on. Even in the north sea, which is the great fishing lake of Europe, the fishermen in the mackerel season, for instance, and when the fish become abundant, hire people who are little better than field labourers, who can pull at an oar, and assist to haul their nets in; at those seasons they want labour.

5202. You are aware that at present that is extensively done on the coast of Ireland?—Yes, the field labourer goes to sea.

5203. Whenever mackerel appear off the shore, the neighbours are summoned, and they get fish whenever a good haul can be made?—Yes, I believe that it is the case.

5204. With regard to spawn, you stated that the fish spawn was scarcely discernable, and you referred to the eggs of salmon and of trout, which are very much like small peas; could not those be brought up in a trawl?—I think that they would be observed if they were brought up. I know that many naturalists have at different times made it their business to investigate what is brought in by the trawlers; the trawlers do not always

always throw the stuff overboard at sea, but they bring it in on the decks; and I know men who are quite capable of giving an opinion upon that subject, who have investigated what the trawls have produced, and if spawn had been brought up, it would not have escaped notice, but I have never heard of spawn being brought up.

5205. Herring spawn is a glutinous substance, but Professor Huxley said that the eggs of other fish were sometimes seen floating; that the fish would deposit them at the bottom of the sea in the same way that salmon do, and that they would be scarcely observed from being so small, and that they would be mixed up in the trawl?—It is very likely. Professor Huxley is much more competent to give an opinion on that subject than I am, because it has been the study of his life.

5206. Mr. *Kavavagh.*] We have had evidence that the herrings have altogether disappeared from the western coast of Ireland, and have appeared upon the eastern coast of Ireland, can you at all account for that?—I cannot; fish sometimes leave a shore for a few years, and come back again. We know that in the pilchard fishery, on the coast of Cornwall, sometimes scarcely a fish appears, and at other times they are in great multitudes. Perhaps these men do not diligently seek after them; I do not know of any herring fishing on the western coast of Ireland; I do not think that it was ever frequented as a herring station. The herrings come in on the eastern coast; they come in at Dublin Bay, and they go up the Irish Channel. The fishing begins in June, and sometimes the fish come back again a little before Christmas, and are found in greater numbers than at what is called the commencement of the season; but I never heard of their being followed on the western coast of Ireland.

5207. Have you any idea what is the food of the herring?—No.

5208. Do you think that it is known at all?—I am not aware. The sea is full of minute microscopic objects, and the fish probably feed upon them.

5209. Were you on the coast of Ireland about 20 years ago?—I was.

5210. Do you remember any fishermen being shipped in those days by the Royal Navy?—There has been nothing like impressment; it was all voluntary.

5211. I mean voluntarily; did they get many hands from the fishing population?—I think that it is very likely that at times they might have done so; but even 20 years ago men of that class were not much sought after; they require men who have been taught to handle the gear of a large ship, and these fishermen are not used to that; they are used only to small boats, and they know nothing about a ship; they can neither handle the sails aloft nor take the helm or lead, or know anything of a seaman's duty.

5212. It was given in evidence here by one witness, that fishermen never supplied any men to the navy, and that the merchant service was entirely the nursery for the navy; what is your opinion in that respect?—I think that the fisheries used in former days to be looked to as a nucleus from which to draw men.

5213. Do you think that they are a useful nucleus for that purpose?—They are so still; from our insular position, numbers of our people have to get their living out of the water; and all these men have some knowledge of boating and seafaring habits that may become useful to the State.

5214. You have been round the western coast of Ireland?—Yes.

5215. Do you know any large fishing bank off Broadhaven, which is on the coast of Mayo?—Yes; it used to be understood (and Nimmo laid them down on his chart) that there were cod and ling banks off Broadhaven and off Bofin, but I do not think that they are properly fished.

5216. Do you think that they exist?—I think so, because I know that the Rush fishermen from the eastern coast of Ireland, send expeditions round there every season in half-decked two-masted boats, called wherries; but I do not think that those banks are properly fished. If they are half as productive as Rockall, it is a pity that they are neglected. I have found in an old book that formerly fishermen fished off the Leck Rock on the south-western coast of Ireland, but they do not fish there now; I know that fish congregate in certain places, and that where they so collect it is a profitable thing to go after them.

5217. Have you seen the curraghs which are used on the western coast?—Yes.

5218. Do you think that they are a fit sort of boats for going out to fish on those banks?—No; but it is on the parts of the coast chiefly where there are no harbours that they have those curraghs, and they are very useful there, because they easily bring them in, and stow them among the rocks.

5219. What sized boat do you think there ought to be for carrying on a fishery of that sort?—Around the coast of Scotland particularly there is a new description of boat which bas been lately recommended to them by the Life Boat Institution.

5220. Mr. *Malcolm.*] Is not the new boat which is recommended very expensive?—You cannot have anything without money; those boats are half decked.

5221. Mr. *Kavanagh.*] With air-tight compartments, I suppose, or something of that sort?—I think so.

5222. Mr. *Cooper.*] Do you know the coast off the county of Sligo?—I have been there, but I am not intimately acquainted with it.

5223. Do you at all know the nature of the ground there, as to whether there is any trawling ground there?—No; but generally speaking those bays are too much exposed for that purpose; there is too heavy a ground swell for trawling; the ground swell heaves the trawl off the ground.

5224. Do you suppose that the cod and ling fishing off Broadhaven would employ the parties all the year round?—During the winter season those banks would be very difficult to reach; the boats could not keep at sea during that season.

5225. Is there a very great difference in expense between the open boats which they use on the north-western coast of Ireland, and the half-decked boats which you recommend?—There must be a very considerable difference, but I cannot state what it is.

5226. As regards tonnage, what sized boat would you recommend?—I have not gone into that question, but I should think that there ought to be boats of 15 or 20 tons.

5227. Could a half-decked boat of that kind

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keep the sea off the north-western coast of Ireland?—Yes, in a moderate gale.

5228. Sufficiently to get back into harbour if it was overtaken?—Yes.

5229. Have you heard any complaints of the Irish fishermen?—No.

5230. Or that there has been any difficulty in manning the fishing boats?—No; I think that, generally speaking, they are over-manned.

5231. Were the unknown fish of which you spoke of any use for sale?—I do not know. We caught a bucket full, and found them very good eating.

5232. Were they a small class of fish?—Yes. We men-of-wars' men are bad fishermen, and our trawl was a very inefficient one, and it was torn to pieces by the rocks at the bottom, so that we only secured a few fish. We might have had a great many more, if we had had a proper trawl.

5233. Mr. *Ion Hamilton.*] In the course of your examination to-day, have your answers been given from experience as a practical fisherman, or from information which you acquired during your survey of the coast?—From my own observation, and having been very much among fishermen, for we were in the habit of hiring them as boatmen on our survey. The men whom we employed were frequently trawlers.

5234. But your practical experience in fishing has been small?—Yes.

5235. Therefore you speak more from your information acquired during the survey?—Yes.

5236. Mr. *Malcolm.*] With regard to the new boat which has been recommended by the lifeboat committee, is it not the fact that it is so expensive that men must catch three times as much fish as they do now in order to make it pay?—That is very likely to be the case.

5237. Lord *John Hay.*] In the answer which you gave upon the subject of the advantage or otherwise of seamen engaged in fisheries being employed in the navy, did you mean to convey to the Committee that it was of no importance whether or not there were a large number of seamen engaged in fisheries with regard to the possibility of their being required at some time or another to assist in manning the navy?—I am scarcely prepared to give an answer to that question. I do not think that it would be of no importance; it must be of some importance. The welfare of our coast population must always be of importance. But these men go on board the ships of the present day as raw hands, and they are simply of little or no use; they require so much training in order to make them useful, that they are obliged to adopt another system for manning the navy.

5238. In the event of our being suddenly engaged in a great maritime war, is it the case that the coast guard, as at at present constituted, would probably be at once sent on board men-of-war?—Yes.

5239. Supposing that to be the case, is it probable that the coast guard would be supplied from the fishing coast populations?—They would be; I think that that was done when the coast guard were sent to the Baltic during the Crimean war.

5240. So that if the fishermen were not directly employed at once on board the fleet, as they have been in times past, they would indirectly be of use, inasmuch as they would fill the place of the coast guard, the men of which would be employed wholly on board men-of-war?—Quite so; and if they were employed in that way, I have no doubt that they would be found most useful.

5241. In the event of a very large increase to the fleet, is it the case that you would be obliged to draw a supply of your men, although they were unacquainted at the time with gunnery, from your seaboard population?—I suppose so.

5242. That, indeed, is the only resource which you have, unless you intend to unman the whole mercantile navy?—I suppose so.

5243. From your experience in the navy, is it the case that Irish seamen, that is to say, men engaged on the coast of Ireland in fishing, when entered in the navy, are remarkable for the manner in which they work in boats in the navy, as regards pulling, and so forth?—They do their work quite as well as the others.

5244. Have you not observed that an Irish boat's crew is often selected to pull boats in cases of races amongst ships' boats?—No, I have never noticed that; but certainly I never knew men who could endure more fatigue at the oar than the Irish fishermen; I have known fellows keep an oar in their hand from eight o'clock in the morning till eight o'clock at night.

5245. Mr. *Maguire.*] And, I believe, without eating anything during that time?—A very little, except the sea-weed which they pull from the rocks.

5246. As I understand, you would encourage the seaboard population?—Yes; I think that it would be a great duty to do so in every way that is possible.

5247. Do you not think that the possession of a little land is useful for those men who are engaged in fishing?—Quite so; it is scarcely possible for the poor men who live along the shore to make a living out of the sea in their small boats, without the help of a little land; but, after all, that is a bad way of working the fisheries; it requires better means for this purpose.

5248. Will not there always be a large portion of the population who cannot, as it were, concentrate in fishing districts, and whom you must consider; that is to say, those who occupy land along the shore, and who from time to time are engaged in fishing?—Yes.

5249. It is not perhaps probable that you can establish fishery stations on every part of the coast?—No; I think that it must be left to the population; it must be a matter of natural growth. I do not think that Parliament can establish fisheries anywhere; they must establish themselves; they must be found remunerative.

5250. Do you think that the coast-guard officers, if they were moderately remunerated, would be useful in inspecting and giving advice to the fishing population and collecting statistics, so as to encourage the fishing?—They, perhaps, would collect statistics, but, generally speaking, officers of the navy employed in the coast-guard have not much knowledge of those matters.

5251. Is it not general that seamen, whether officers or common sailors, understand a good deal about fishing?—I think not.

5252. When a man lives near a fishing station, does not he acquire a good deal of information in that way?—Yes, if his inclinations lead him that way. Generally speaking, in the navy we know very little about fishing.

5253. *Chairman.*] It was suggested by some of the witnesses who preceded you, that a close season for fisheries would be desirable; do you think

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think that that is at all desirable?—Not at all; I cannot imagine that it would be productive of any public good, and I do not know what useful purpose it would answer.

5254. Would it not, without doing any good, prevent as great a capture as might otherwise be made?—Yes, it would spoil a great many good dinners.

5255. In reply to an Honourable Member, you stated that it was possible that trawlers might take up spawn; supposing that they did take up spawn, would the quantity which they took up exercise any appreciably injurious effect upon the production of fish?—I cannot imagine that it would at all.

5256. Do not some fish produce as much as 2,000,000 of spawn?—We are told so; we are told that they produce vast quantities; I do not know who has ever had the patience to count them.

5257. Any restrictions which you would be in favour of imposing, I presume would be more with the view of not interfering with any modes of fishing, such as trammels?—I would not impose any restrictions as regards trammels, or other modes of fishing.

5258. Generally speaking, do not the trammel-net fishermen and the line-fishermen fish on ground where the trawlers do not go?—Yes; it must be a very rare occurrence when the trawlers do go on to ground where the trammel-net fishermen and the line-fishermen are.

5259. Do you know whether any restrictions are imposed in England?—I do not know.

5260. It has been suggested that it would be desirable to have a five-fathom and a 10-fathom line, within which to prohibit trawling; do you think that such a thing would be practicable, or, if practicable, desirable. In the first place, would such a restriction be practicable?—If you make those restrictions you must send vessels in order to see that they are carried out.

5261. So that such restriction would not be carried out? — Not without employing a numerous fleet at all hours, and I do not know what good would result from it.

5262. Did you ever happen to look over the charts which Mr. Nimmo made?—Yes.

5263. Did not he mark a good many grounds which have been highly productive, but which are not fished now?—Yes.

5264. Mr. *Kavanagh.*] I suppose that you know all the harbours on the eastern coast?—Yes.

5265. You know Howth Harbour?—Yes.

5266. What do you think of it as a harbour?—It has entirely failed for the purposes for which it was constructed; but it is a good fishing station.

5267. Do you think that it can be made a good harbour?—The want of a harbour there is not felt now, Kingston Harbour being so near it, which is a harbour of refuge. Within the last year or two, Howth Harbour has been dredged out, and the Board of Works have deepened it, so as to make it available for the Dublin Bay trawlers.

5268. Do you think that it is likely to silt up again?—It is sure to do so, the same causes being in operation.

5269. From the Tuscar up to St. John's Point, there was a good deal of complaint that the harbours were all tidal harbours?—Yes, there are no good harbours on that coast.

5270. Do you think it possible to make harbours where good sized boats, say of 80 or 90 tons, could get in at any tide?—All things are possible to engineers, but the cost would be exceedingly great; they could form a harbour almost at any place, but it would be at an enormous cost.

5271. Do you think that it is possible on that coast to prevent silting up?—All those artificial harbours are liable to silt up; Kingstown Harbour is silting up.

5272. And Wexford Harbour also, which is not an artificial harbour, is silting up?—Yes, that is a most difficult provision; many schemes have been devised for clearing Wexford bar, and keeping it clean, but nothing has yet been efficiently done in that respect.

5273. Do you know Skerries?—Yes; Skerries Harbour as it stands is the best dry harbour on the coast.

5274. Would not that be the one which could be best improved at the least expense?—I dare say that it might be; I understand that at present it is a private harbour.

5275. General *Dunne.*] Did you ever look at Howth Harbour, with the idea of improving it?—I do not know in what sense you suggest that it could be improved.

5276. Would not cleaning it, and sending the sea through it, improve it?—Howth Harbour is built on a nest of rocks; at low water you see nothing but a vast assemblage of rugged rocks, on which if a vessel strikes she is strained and is destroyed, except that at one part just within the entrance, and along the west pier, there is a clear space where vessels lie; it would be an immense expense to clear away those rocks.

5277. But it would be a very useful harbour for fishing?—It is very useful for that purpose at present, because there is every facility in that respect; it would contain a fleet of fishing vessels now.

5278. Then any expense which might be laid out upon it, you think, would be thrown away?—Yes; they have removed a sand bar from the entrance, and I think that it will answer all its requirements; when that sand bar forms again it must be again removed.

5279. *Chairman.*] In the course of your experience, do you find that very large quantities of fish of a character which are not likely to be caught by hook-line fishermen, come into bays?—I do not know that they do.

Mr. Thomas Francis Brady, called in; and Examined.

Mr. *T. F. Brady.*

5280. *Chairman.*] You are Secretary to the Special Commissioners of Irish Inland Fisheries?—I am.

5281. Are you not also Secretary to the English Commission on Inland Fisheries?—I am.

5282. Previously to your having received those appointments, you were Inspector of Fisheries in Ireland, under the Board of Works?—I was.

5283. For how many years were you connected with the Board of Works, in Ireland?—I joined the Board of Works early in 1846, and I left it in 1863, for my present appointment.

5284. I believe that for the greater portion of the time during which you were in connection with the Board of Works, you were connected with the fishery department? — I was

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connected with the fishery department from 1850 to 1863.

5285. I presume that you are intimately acquainted with everything relative to the working and the actual condition of the Irish fisheries?—I think that I am.

5286. Can you state from your own knowledge, whether the Board of Works has duties independent of the fisheries, more than sufficient to engage its whole attention?—I think that there cannot be the slightest doubt about it.

5287. From your own knowledge, do you know whether the fishery business of the Board of Works has been as well attended to as it ought to be?—It has not; Mr. Barry knows that perfectly well.

5288. Is it the fact, that you and Mr. Barry had frequently to wait for days, and even weeks, before you could get a board to meet for fishery business?—On many occasions.

5289. Have not Mr. Ffennell and Mr. Barry frequently complained to you and others, of the very little attention paid to fishery matters, and the great difficulty which they experienced in getting a board to assemble men to consider fishery business?—It was the source of constant complaint for years.

5290. At the time when you became inspector of fisheries, how many Commissioners were there connected with the Board of Works?—At the time when I joined, I think there were four; I think that at one time we had five Commissioners of the Board of Works, but we always had four until lately, and two inspecting commissioners of fisheries.

5291. And an inspector?—No; because one of the inspecting commissioners was transferred to England, and then I became inspector in place of that inspecting commissioner.

5292. The Act of 1849 made Messrs. Barry and Ffennell inspecting commissioners?—Yes; they were inspectors before.

5293. So that the fishery board at one period consisted of seven members, including those inspecting commissioners?—It certainly consisted of six.

5294. I believe that now there are only two commissioners?—There are only two commissioners of the Board of Works, and one inspecting commissioner of fisheries.

5295. With very nearly as much duty to perform as ever?—Yes, save and except the inland fisheries; that is the only thing which has been removed.

5296. Under existing circumstances, is it your belief, from your knowledge of the working of the board, that it is possible for them to give the attention to the sea-coast fisheries which is essential?—I am quite certain that it is not; and I quite agree with Mr. Barry in the evidence which he gave before the Royal Commissioners on that subject.

5297. There are 38 fishery districts in Ireland?—There are.

5298. Did you, during the time when you were in office, attempt an annual inspection, or would it have been possible for you to make an annual inspection?—It would have been quite impossible to go through all the districts in a year, and I was not an idle man at all.

5299. Do you consider that it would be essential to visit them at least once in the year?—By all means, or oftener; the more frequently they are visited, I think, the better.

5300. Have you read the Bill which is before the Committee?—I have.

5301. For the due carrying out of the fisheries, and assuming that the portion of the Bill relative to loans was carried, what staff, in your opinion, would be required?—I think that to carry out the fisheries properly, it would require an independent board altogether, consisting of at least three commissioners, who would be an administrative as well as an inspecting body, and who might have their local officers under them, such as two inspectors constantly on the coast reporting to them. These gentlemen, I think, ought also to have the management of the inland fisheries. I think that both the inland and the sea fisheries could be very well combined, to the great advantage of the public, and in an economical point of view also.

5302. You consider, from having served under both the Sea Fishery Board and the Inland Fishery Board, that the combination of the two could be easily effected, and would be desirable?—I know that it would be most advantageous to both services. I am perfectly convinced of it, and I state that from my knowledge of both subjects.

5303. Do you consider that that could be carried out more economically than by allowing the Inland Fishery Commissioners to remain a distinct body, and allowing the Irish Sea Fisheries to be combined with the Board of Works with the increased staff which would be required?—I think that there cannot be the least doubt that it would be most desirable to have the salmon and inland fisheries and the sea fisheries dissociated from the Board of Works altogether.

5304. In the course of your inspections, did you find that the coast population had decreased very largely?—Yes, all over Ireland.

5305. And that the sea fisheries were not developed as they might be?—They were not.

5306. You know the present amount of men?—I see by the returns that there are only 40,000.

5307. I believe that a great many of them only devote themselves partially to fishing?—Yes.

5308. Will you give the Committee a general idea as to how many men might be profitably employed in the fisheries in Ireland?—Do you mean how many men if the fisheries were properly developed and worked?

5309. Yes?—They afforded employment before to over 100,000 men, and I do not see why, at the present day, they should not do so to a far greater extent. Even in those days when that large number of men was employed, the fisheries were not conducted in the manner in which they might have been, they might have been conducted more advantageously.

5310. To what do you attribute the non-development of the fisheries?—I think that the first blow which they got was the withdrawal in 1830 of the bounties and loans; that caused a great collapse among the fishermen; and after that came the famine year in 1846. Nothing was done to relieve them from their distress, or to give them a new start in the world, and they have been gradually going down year after year. You may look upon it in the same light as you would look upon an ordinary commercial transaction. The breaking of a bank brings down a great number of merchants who otherwise would not

not go down, and everybody suffers from it; the whole country has been suffering.

5311. Besides those persons who emigrated or who died, was not a large amount of the coast population obliged to give up the pursuit of fishing from the want of means?—There is no doubt about it.

5312. Do you think that there are a great number of people on the coast who would enter upon that pursuit if they had the means?—I am sure of it; I have heard it from the men themselves, and from a great number of other persons interested, who would be anxious to go into that pursuit.

5313. Do you think that if a loan system were established for the purpose of developing the fisheries, it would be compatible with safety to the funds of the State?—I think so, if it were properly and judiciously administered. I do not think that there would be any loss on the capital. Mr. Andrews, who is connected with the Society for bettering the Condition of the Poor in Ireland, says that the society has not made a loss, and I do not see why the Government, with proper officers for the administration of the loans, should lose any money.

5314. Have you given much of your attention to the subject of loans?—So far as reading all the Reports upon the matter, and giving as much attention as possible to the subject.

5315. What plan would you advise for a judicious administration of loans?—The loans should be placed in the hands of a separate board of independent men, and they should be advanced to fishermen on personal security, on their own and their sureties' promissory notes and bonds, repayable by easy instalments, in a similar way to that in which it was done from 1826 to 1830.

5316. Would you approve of the suggestion which was made by the Commission of 1836, that loans should only be granted in aid of local efforts; and that if a local association was formed, subscribing a certain amount, the Government should supplement that by another amount?—I would have that also; I would certainly make loans in aid of charitable or local contributions, but I would not confine the loans to that; I would also grant them to fishermen themselves, who, I have no doubt, would be able in the principal fishing stations to get very good security from shopkeepers, and fish factors, and others in the town, and I have no doubt that these men would work very hard to repay the money.

5317. In districts such as in the county of Mayo, and in the county of Donegal, where those local associations probably could not be formed, would you be in favour of its being left to the discretion of the inspector to make those loans, or to recommend their being made?—The inspector might recommend the loans to his Board, and the Board might decide upon making them; but I take it that it would be the duty of the inspector to ascertain from local people what was the solvency of the security which was offered, and he should make inquiries as to the character of the borrower; if the borrower was an honest and industrious man, and not a man addicted to drunkenness, or anything of that sort, a loan might be made to him with great safety; and from 1826 to 1830 the loans had, according to the report of the Commissioners, a very great moral effect upon the people.

5318. From what you have heard and read upon the subject, the former loans, did they do a great deal of good to the fishermen?—An enormous deal of good; I can refer to paragraphs to that effect in the several reports of the Commissioners, if the Committee wish me to do so.

5319. We have those paragraphs; are you aware that it was stated by Mr. Hornsby that a sum of something like 13,000 *l.* was lost when the loans ceased?—I heard Mr. Hornsby say that; but I have examined the reports, and, as far as I can see, only about 10,000 *l.* were lost, and out of that amount, 5,000 *l.* were given in charity in 1822, by the London Tavern Committee. The Commissioners lent out this money, and collected it again, and they asked the London Committee whether they were to refund it, and the answer in the next year was that they were not, and that it was to be incorporated with the fund at their disposal. If that be the case, the sum lost to the State was very inconsiderable.

5320. It has been sometimes asserted, and especially by an honourable and gallant Member of this Committee, who has taken some trouble upon the subject, that a sum of 500 *l.* a year which was available for the purposes of loans was lost; is that your opinion?—I think this sum has been available under the statute since 1830, but it has not been claimed. I have made a short statement on the subject, which I will put in. [*The Witness delivered in the following Paper:*]

1819. 59 Geo. 3, c. 109.

Section 66 authorises Lord Lieutenant to direct 5,000 *l.* a year to be paid to the Commissioners, to be applied in the encouragement of such coast fisheries, and under such directions as the Commissioners shall direct.

Section 68. Act shall be in force for five years, and until the end of the then next Session.

1824. 5 Geo. 4, c. 64

Section 9. The 5,000 *l.* a year should in future be applied as hereinafter mentioned: in encouraging and assisting the building, making, or repairing piers or quays, as shall appear to be most fit and necessary, and not for any other purpose whatever, *except only in providing materials for the repair of the boats of poor fishermen*, at such ports or places where piers or quays are or shall be built, *not exceeding* 500 *l.* in any one year, anything in the said Acts to the contrary notwithstanding.

Section 2 enacts that the *bounties* shall cease after 5th July 1829.

1826. 7 Geo. 4, c. 34.

Section 2 continues foregoing bounties until 5th April 1830.

Section 4 continues all powers and authorities till 5th April 1830, so far as they are not expressly repealed by 5 Geo. 4, c. 64.

1829. 10 Geo 4, c. 33.

Section 1. Whereas Commissioners are in the habit of advancing small sums by way of loan out of the 5,000 *l.* disposable under the 59 Geo. 3, c. 109, &c. &c., and the said fund having already been the means of affording great relief and producing great public advantage, it is expedient for prompt recovery, and lawful for the Commissioners, to enter into contracts for piers, or *for advances and repayment of loans, although the time necessary for the repayment of such may extend to a period beyond the 5th April* 1830, anything in any Act to the contrary notwithstanding.

1830. The next Act, 1 Will. 4, c. 54, s. 1, continues the branding of herrings, but not the bounties.

Section 6 transfers to Directors General of Inland navigation.

Section 8 authorises Lord Lieutenant to issue 4,500 *l.* first year, 3,500 *l.* second year, 2,500 *l.* in third year, 1,500 *l.* in fourth year, and 1,000 *l.* in fifth year, towards completing any piers.

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1831. 1 & 2 Will. 4, c. 33, transferred to Commissioners of Public Works. They report nothing to do but collect the loans.

5 & 6 Vict. c. 106, repeals all former Acts, but *provides that nothing therein shall be construed to repeal any enactments for assisting poor fishermen, which shall remain in full force and effect.*

There is nothing, then, in any Act, in my mind, which has repealed the provision of 5 Geo. 4, c. 64, which granted the 500 *l.* a year for providing materials for the repairs of boats of poor fishermen.

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Witness.] I think that 5,000 *l.* a year is not available, but I think that 500 *l.* a year has been available since 1830. It was asserted some time ago by several people, that 5,000 *l.* a year taken under the Act of the 59th of Geo. 3, was available since 1830; but I think that if the Acts of Parliament are carefully examined, it will be found not to be so.

5321. That 500 *l.* a year would now amount to what sum?—About 20,000 *l.*

5322. That would be a very good nucleus on which to commence operations in the way of loans?—Yes; I think that it would effect a great deal of good.

5323. Have you read the clauses of the Bill with regard to loans for the planting of oyster beds?—Yes.

5324. Do you think them practicable?—I think them not only practicable, but most beneficial.

5325. Did you hear the evidence of Mr. Stewart upon that point?—I did not.

5326. Mr. Stewart stated that he thought that it would be very unfair to charge the property of a limited owner with the amount which he might borrow for the planting of an oyster bed, when he would have the power of transferring it, or selling it, and still leaving the sum advanced to be chargeable upon his successor; what is your opinion in that respect?—I would prevent his doing so by legislation. A lessee under the present Land Improvement Act can borrow money in spite of his landlord; a man holding a lease, with 40 years unexpired, can do so, and he charges his property for that sum; and I do not see why a limited owner could not do the same thing for oyster beds, provided that legislation was made that he could not separate the oyster bed from the estate.

5327. Would you recommend a change to be made in that portion of the Bill, so as to compel a limited owner to allow the oyster bed to remain as a part of the estate, he having borrowed money upon it?—I think so; I think that that would meet any legal objection.

5328. That is, provided he did not redeem the amount in his own lifetime?—Yes.

5329. Mr. Stewart also stated that in a matter of so speculative and uncertain a character as the planting of oysters, advances ought not to be made; do you look upon it as speculative?—I heard Professor Huxley's evidence; I do not think that it is at all so speculative; I think that it is as certain as any ordinary crop, and certainly more so than the draining of land, because drains may be filled up by weeds.

5330. Are there not some advances made by the Board of Works under the Land Improvement Act, for matters which are of as speculative a character as oysters?—Yes; from 1846 to 1850 I had a good deal of the charge of the Land Improvement Department, and at that time we came across drainage operations which were altogether lost, and not from any fault of the operations themselves, but the drains became choked with weeds and roots of trees, and the work had all to be done again.

5331. On the subject of trawling, did you hear the evidence of Professor Huxley and Captain Hoskins?—I did.

5332. Do you differ from their opinions, or do you coincide with them?—I coincide with them; I think that the trawling restrictions are most injurious.

5333. Is it your opinion that trawling, if permitted in bays and estuaries, would be likely to act injurously to the spawn?—In my mind, it would not do any such thing.

5334. Have you ever yourself been actually engaged in trawling?—I have trawled in Bantry, Dingle, Galway, and Dublin Bays.

5335. Did you ever take up any spawn in the trawls?—Never; and I most carefully examined everything which came up in the trawl.

5336. Have you ever been on board other trawling boats during their operations?—I went out on purpose for experiments.

5337. Have you frequently been on board these boats?—I cannot say frequently; but I made it my business at that time to go on board of them.

5338. Did you ever see what you believed to be spawn on the deck?—Never.

5339. Did you ever see on the deck any substance alleged by the fishermen to be spawn?—Never; and I never saw that quantity of small fish on the deck of a trawler which people complain of; we have trawled in Dingle Bay up to the very top of the bay, Castlemain.

5340. Restrictions have been placed upon 13 bays and estuaries in Ireland?—Upon 13 or 14, from time to time.

5341. Do you consider that those restrictions were essential with the view of protecting the spawn, or the spawning fish?—I think that they were not, and I think that they have very much tended to injure enterprise. I will give you an instance. There is a very enterprising Scotchman in Sligo who told me on one occasion, four or five years ago, that he would bring two of the best trawlers from Scotland, and put them into Donegal Bay, if he could get an assurance that the Board would not prohibit trawling in that Bay.

5342. Have you ever been present at the investigations held by the inspecting Commissioner with regard to trawling, or have you read the Minutes of Evidence upon which the Board came to their conclusions upon that point?—I have been present at many inquiries held by the inspecting Commissioners, and I have myself held many inquiries as inspector, and I have, I believe, read all the evidence which has been taken from 1842.

5343. From what you heard at investigations, and from what you have read of the evidence, at inquiries you did not attend, do you think that the Board of Works were justified in imposing the restrictions which they have placed upon trawling?—If anybody read the evidence, I should say that he would come to the conclusion that there is no ground whatever for the restriction in many places. In Dublin Bay, two months after the power was given to the Commissioners, trawling was prohibited. The next place was Galway Bay, and in the report, either of 1843 or 1844, the Commissioners stated

stated how absurd were the applications to restrain trawling and productive modes of fishing; and as an instance stated they were applied to to restrain trawling in Galway Bay because one yacht came into the bay; notwithstanding which at that time they made a bye-law to restrain trawling, and it has been in existence ever since.

5344. From your knowledge of the fisheries, what should you say were the real grounds for the decision of the Board of Works in imposing those restrictions?—I think that it was rather a matter of police; I think that it was to secure quietness more than anything else; I think that that must have been the case.

5345. You think that it was done to put an end to the contests between the line fishermen and trawlers?—Yes; and yet at the same time trawling was permitted in bays in which no trawling was carried on.

5346. Is it your opinion, that the course pursued by the Board of Works was frequently an inconsistent one?—I never could discover why they made these lines, or on what grounds. As to the destruction of spawn, there was no evidence of it, and the evidence of the destruction of small fish was very unsatisfactory.

5347. Upon those occasions, was the great contention between the trammel-net men and the hook-and-line fishermen on the one side, and the trawlers on the other?—In some places, it was between the trammel-net men and the trawlers; and in other places it was between the hook-and-line men and the trawlers.

5348. Do you think that if unrestricted trawling was permitted in those bays and estuaries, the trammel-net fishermen and the line fishermen would be interfered with?—I think that we have the very best evidence that they would not in the case of Dingle Bay; in Dingle Bay for 10 years there was a prohibition against trawling, and during those 10 years it was always a subject of great annoyance and complaint to the Board; in 1862, I think, they sent me down to investigate the matter, and I took a trawl and trawled in the bay; I remained there several days, and Sir Richard Griffith came down afterwards; we heard every side, and there was a great opposition to trawlers coming into the bay; but eventually Sir Richard Griffith decided upon recommending to the Board that the bye-law should be rescinded; I must say that the Board were not at all anxious to do so; Sir Richard Griffith thought that it was a bold step, but he prevailed upon them to do it.

5349. Mr. *Maguire.*] What was the result of the experiments which you made upon that occasion?—I trawled in the bay with the view of taking up spawn, or small fish, but I did neither the one nor the other, and I trawled all over the bay.

5350. Did you catch other fish?—Lots of fish; I took 200 pairs of soles in one day in Bantry Bay, and in Dingle I took lots of fish; from that time to the present the fishermen there have worked most harmoniously together, and the trawlers down there are the most comfortable men that you could wish to see; they are a fine, hardy set of fellows, well dressed, well housed, and living well.

5351. *Chairman.*] Do you consider that the removal of the restriction in Dingle Bay has not interfered injuriously with the hook and trammel fishermen?—Certainly, it has not.

5352. Do you think that what holds good in Dingle would hold good in every other bay and estuary?—I do not see why it should not.

5353. From your long experience, and the attention which you have given to the subject, should you be in favour of the total removal of all restrictions?—Most undoubtedly; I think that the restrictions are very much hampering enterprise, and I know that in Dublin it is so.

5354. Do you think that if all those restrictions were removed, the hook and trammel-net fishermen, and the trawlers, would carry on their operations satisfactorily together?—I think that they would; an injury might occasionally be done by a trawler to a trammel net, if it was not properly buoyed; the trawler might go through it and destroy it, but if he did so wilfully, I think that he ought to be made to pay for it, and an example of that sort in two or three cases would stop all disputes.

5355. It has been stated in evidence here that in one locality something over 100 *l.* worth of damage in a few months was done by trawlers to the hook fishermen; do you think it likely that in those instances the blame was attributable altogether to the trawlers?—I think that the blame might be attributable to the hook men themselves, for they sometimes do not properly buoy their lines. I have seen two or three little twigs up in the water; the men themselves knew where to go for them, but no other person, whether a trawler or not, could see them.

5356. Do you think that those men could take precautions in such a manner as, generally speaking, to save themselves from the risk of being interfered with by trawlers?—I think so, and if the Commissioners made regulations to have these lines and nets properly buoyed, and if a trawler went through them afterwards, he ought to be made to pay very dearly for it.

5357. Would you have any protection for the trammel fishermen?—The same thing would hold good as regards the trammel fishermen. There is a provision against trammel fishing by day, and as a rule they all fish by night. Why that rule was made I cannot say, but the general rule is that trammel-net fishing and drift-net fishing shall not be carried on during the day, but only by night. Trawlers, generally speaking, do not work at night; there are very few places where a trawler can work at night; he must work on clear ground, and must see all his bearings, and he cannot do that at night.

5358. Would you recommend any enactment prohibiting trawling during any part of the day in the bays and estuaries during the periods when the other fishermen can carry on their fishing most successfully?—At night the trammel-net men carry on their fishing most successfully, and the damage which I know has been done in Bantry Bay by the trawlers to the trammel-nets has been occasioned by the trammel-net fellows themselves; they leave out their nets during the day, and a trawler comes down, and does not see them, and sweeps them away. I myself have gone out in the middle of the day, at three o'clock, on a fine summer's day, and not one of these fellows had come out to lift up their nets, and, of course, if they get injury and damage when they do not obey the law, they must put up with it.

5359. You consider that, without injustice or injury, the fisheries might be entirely thrown open, to be followed as each class of fishermen thought best?—I think that no injury would result

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result to any class of fishermen, and it would do a great deal of good.

5360. Do you consider that there might be a very great development of oyster fisheries in Ireland?—Yes.

5361. Have you read the clause of the Bill with regard to planting oysters in bays and estuaries?—Yes.

5362. Have you also read the Act of last year?—Yes, the Act under which the Board of Works are at present acting.

5363. Do you happen to have it with you?—I think I have.

5364. Will you turn to the 4th section, which gives proprietors upon the seaboard the power of preventing persons from laying oysters below low-water mark?—By that section the Commissioners have only power to grant a license either above or below low-water mark to any person with the consent of the owner of the land adjoining.

5365. Have you read the section of the Bill under the consideration of the Committee, which, while it leaves the foreshore to the owner or occupier of the adjoining land between high-water and low-water mark, gives to other parties, on the recommendation of the inspector, and with the approbation of the Fishery Board, the power of planting oysters in deep water?—I have.

5366. Do you think that a desirable clause?—I think that it is very desirable.

5367. Do you think that owners ought to have a veto over persons planting oyster beyond low-water mark?—Certainly not; they have no control beyond low-water mark even if they have control on the foreshore.

5368. But the Act of last year gives them a power of veto?—It gives them the power of a veto on a license. The English Act has no such restrictions; the Board of Trade have power to grant licenses below low-water mark, perfectly independent of the owner of the soil.

5369. Do you believe that such a power is likely to act very injuriously in the development of oyster fishery enterprises?—I think it very likely. If the owner said, "I will not allow you to come out into the deep sea and plant oyster beds," I think that it would be injurious. Again, I know that in some places in Ireland people will not ask the permission of the owner to plant oyster beds in the deep sea, although they are quite willing to invest their own capital. I know an instance of that in Ireland.

5370. As compared with the Act of last year, do you consider the clauses in the Bill now before the Committee more beneficial?—I look upon the Act of last year as legislating backwards, because there was better legislation for oyster fisheries before that, and the Bill which is now under consideration is certainly preferable to the Act of last year.

5371. Do you approve of those clauses which are contained in the present Bill?—Certainly, so far as I recollect they give power to the owner or the occupier of the soil adjoining the foreshore to put a veto upon any person getting that license upon the foreshore, except himself, but anybody else below the foreshore, beyond low-water mark, can do so.

5372. I believe that while you were inspector you occasionally acted as assistant secretary or as recording clerk to the Fishery Board, when the Board met for fishery purposes?—Not exactly as assistant secretary, but I did all the secretarial duty of the Fishery Board.

5373. And you are tolerably well acquainted with all that went on?—Yes; I attended to everything that I could.

5374. Have you read the evidence of Mr. Barry, the Inspecting Commissioner of Fisheries?—I have read a great portion of it.

5375. Have you read the part of that evidence in which he alleges that certain portions of the reports made by him were suppressed by Sir Richard Griffith?—I was in the room at the time when Mr. Barry gave that evidence, and he stated that I assisted Sir Richard Griffith to suppress those portions.

5376. Did you do so?—I am very happy to have the opportunity of saying that I did not, and more than that, I think Sir Richard Griffith never summarily removed any paragraph out of any report. The course of action was simply this: Sir Richard Griffith, when a proof of the report was sent up to him, read it, and noted it, and drew his pen through paragraphs, and wrote "omit" or "amend," or made his observations in that way. That report came down to Mr. Barry, who, if he submitted to these alterations being made, took out the portions which were objected to; if he did not, it went to the Board, and the Board then discussed the matter. Mr. Radcliff, who was the deputy chairman of the Board for many years, did more in altering reports than ever Sir Richard Griffith did.

5377. Mr. Barry especially alludes to the suppression of a report which he made with regard to the salmon fisheries, at the time when that subject was about to be considered by a Committee of the House of Commons; and he stated in his evidence that that report was kept back until after that Committee had actually given in its report. Are you acquainted with those circumstances?—I am aware of it all, and I not only heard the statement made here, but I also read it afterwards in Mr. Barry's evidence. I am quite sure that Mr. Barry is perfectly incapable of wilfully stating anything which is incorrect; but how he has fallen into such an error, I cannot conceive.

5378. General *Dunne.*] What error?—The error of stating that this report of his in 1863 was kept back from Mr. MacMahon's Committee.

3579. *Chairman.*] Will you explain why you cannot account for the error into which you say Mr. Barry has fallen?—This report of Mr. Barry's is dated in 1863, and the return to which he alludes is up to February 1863. Mr. Mac Mahon's Committee had concluded its labours in June 1862, and therefore this report could not have been made for Mr. MacMahon's Committee.

5380. Will you read the very consecutive statement which Mr. Barry makes in his evidence with regard to his refusal to sign the report which was presented to him for signature. He very consecutively states there that he did present the report to which he alludes at the time when the Committee was sitting. Will you read that portion of Mr. Barry's evidence, and give your explanation upon it?—Mr. Barry states, "In the year 1863 I prepared a report, according to the usual practice, which I presented to the Commissioners, or their secretary, on the 27th of April of that year. I must say that I felt particularly in that year that it was necessary to have the report at as early a period as possible, inasmuch as the subject of the fisheries was then under discussion, before a Select Committee of the House." He is then asked, "That was Mr. MacMahon's

MacMahon's Committee;" and he says, "I speak of Mr. MacMahon's Committee; I presented that report to the Board on the 27th of April; and I had rather elaborately, and with a great deal of trouble, prepared some documents with a view to explanations to that Committee; amongst the rest, at page 15 of the Appendix to that report, No. 5, I had prepared a return of the quantity of fish taken for 10 years by one stake weir. This document I was enabled to make out from having the books of a respectable gentleman engaged in the salmon fishery placed before me, and submitted to me for a month previously; and I, with a great deal of trouble and labour, prepared that document. That was one of the subjects which I was particularly anxious to have submitted for the consideration of the Committee. I also made some few short observations in my report with reference to the subject then under consideration. That report, as I have before stated, was submitted to the Board on the 27th of April, and I never heard anything more about it until the 24th of July following, when, according to the usage, a report from the body of the Commissioners, which is put in front of the general report, was presented to me for my signature, together with the signatures of the other Commissioners, antedated the 24th of May, and thereupon I refused to sign it; it was the first occasion upon which I ever dissented so far from doing what I conceived to be beyond the strict line of duty. I refused to sign it, because I did not think that I was bound on the 24th of July to sign a document dated the 24th of May. I was upon that occasion supported in my opposition by the present chairman of the Board, who was then a junior Commissioner of the Board, namely, Colonel M'Kerlie; he said that I was quite justified in my refusal, and consequently the date was altered to the date of the day when the report was presented to me for signature, namely, the 24th of July, which was three months after my report, and four days before the Act of the 26th & 27th Vict. c. 114, obtained the Royal Assent." That is quite true; but that document could not have been prepared for Mr. Macmahon's Committee, which sat a year before.

5381. General *Dunne.*] What is the date of Mr. Barry's report?—The 27th April 1863.

5382. In April 1863, was not a Committee sitting on Salmon Fisheries?—None whatever.

5383. Mr. *Clive.*] Only in 1862?—In June 1862.

5384. General *Dunne.*] Was there no Committee whatever upon the subject in 1863?—No; I know that Mr. Barry has fallen into an error about it.

5385. *Chairman.*] Is it your positive assertion that that report about which you have just read, which Mr. Barry stated was made with the view of its being laid before Mr. Macmahon's Committee, was actually made a year after that Committee sat?—Actually.

5386. So that it could not have been prepared, as Mr. Barry is under the impression that it was, for the information of Mr. Macmahon's Committee?—It could not; but, even supposing that Mr. Barry was wrong as to the date of his report, the return itself is made up to February 1863, inclusive, and the Committee ceased their labours in June 1862.

5387. Mr. Barry further states that he actually signed the report, I think, after the Bill had received the Royal Assent?—Four days before the Act obtained the Royal Assent.

5388. When did that Act receive the Royal Assent?—The Salmon Fishery Act was passed on the 28th July 1863; Mr. Macmahon's Committee sat in 1862; the Bill went on in 1863, and received the Royal Assent on the 28th July 1863; but this document could not have been prepared for the Committee; the impression which is given is that it was kept back by some one connected with the Board from Mr. Macmahon's Committee; I believe that every person, from the chairman down to the lowest messenger in the office, is incapable of suppressing any document.

5389. It is a matter of fact that that document did not come out for a year after the sitting of Mr. Macmahon's Committee?—Yes.

5390. General *Dunne.*] Was it suppressed during the debates in the House of Commons?—I do not think that it was suppressed at all.

5391. Was it kept back?—I do not think that the report was ever kept back; Mr. Barry might have presented it on the 27th April 1863; that is quite likely.

5392. Was it laid before the House?—Mr. Barry states that it was not, and therefore I presume that it was not.

5393. Colonel *Vandeleur.*] Was it the Committee of the House, or the Legislation of 1863, which was referred to by Mr. Barry?—I can only deal with Mr. Barry or with anybody else upon what he states; and Mr. Barry states that the Committee was Mr. Macmahon's Committee; I suppose that he must have meant the Committee of the House; there was no Select Committee in 1863.

5394. Is his allusion to a Select Committee?—He states that it was a Select Committee; he says, "The subject of the fisheries was then under discussion before a Select Committee of the House."

5395. *Chairman.*] You have had a good deal of opportunity of making yourself acquainted with the coast population of Ireland as you have gone about?—Yes.

5396. Do you concur with the statement of Mr. Barry, that since the famine they have become very much demoralised?—I think that the general character which Mr. Barry gives of the fishermen is very good; from my knowledge of them, they are all an industrious, hard-working class of fellows.

5397. Do you think that their *morale* has gone down much since the famine?—I do not think that it has, but I must say that I did not know them at the time of the famine at all. I saw the effects of the famine.

5398. Mr. *Maguire.*] You are in favour of an independent board?—I am.

5399. Will you explain to the Committee what possible analogy there is between the duties of the Board of Works and either the deep-sea fishing or the inland fishing?—There is no analogy whatever; I think that it was rather an unfortunate thing that the fisheries were ever placed in the hands of the Board of Works.

5400. Is there any possible connection between the duties of one department and the duties of the other?—None whatever; not the most remote.

5401. You do not see any single reason why the two duties should be combined in one department?—None whatever.

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5402. I believe that the Inland Fishery Board is now a separate and independent Commission?—It is, and it has worked very well.

5403. Is there not as much reason why it should be retained under the Board of Works as why the deep-sea fisheries should be retained under that Board?—The inland fisheries were under the Board of Works until the passing of the Act of 1863, which took them out of the hands of that Board.

5404. Would it not be more reasonable that the deep-sea fisheries and the inland fisheries should be combined together in one independent department, than that the inland fishery should form one independent department, and that the deep-sea fisheries should be under the Board of Works?—There can be no doubt about it.

5405. Is it not a practical absurdity as the matter stands now?—It is really an absurdity; but I do not think that the department of inland fisheries, and the department of sea fisheries can work well separate; if you will allow me, I will give you two or three instances. At the present moment, we have an application from the Slaney to prohibit net fishing for any kinds of fish within certain parts of the Slaney, because the fishermen, under the pretence of catching other fish, catch salmon in the close season; we have no power to prevent it. We may apply to the Board of Works to do so, and they may say, "What have we to do with the inland fisheries?" I will give another instance of it. In the Limerick district, the Board of Works made a bye-law, prohibiting the use in the Shannon of any net of any sort after a certain date. If the inland Commissioners wish to extend the open season in the Shannon, they cannot do it until the Board of Works repeal that bye-law, and it is quite open to the Board of Works to say, "We will not repeal it." I only want to show that there is a clashing of the two departments.

5406. Did you find that the Commissioners of the Board of Works, as such, had any practical knowledge of the duties of the fishery department?—Sir Richard Griffith and Mr. Radcliff had, and Mr. Mulvany also had; but no other Commissioner had, or ever professed to have it.

5407. The gentlemen who now fill that office, never professed to have that knowledge?—No; of course, I do not include Mr. Barry.

5408. Are the other gentlemen acquainted with the subject?—I do not know anything about Mr. Le Fanu, but Colonel McKerlie was not when I was inspector.

5409. Have they sufficient duties to employ their time without dabbling in the fisheries?—I think that they have far more important and onerous duties to perform.

5410. At any rate, they have sufficient to employ them continually, independent of the fisheries?—There is no doubt of it.

5411. Then are you of opinion that it would be most important for the promotion of the fisheries of Ireland, that they should be confided to an independent Board, who would devote their whole energies to that subject?—I think that if you do not do that, you need not have any Board at all, and that it would be better for the fishermen around the coast to know, that no Board existed. Mr. Barry was quite right in his evidence upon that subject before the Royal Commissioners.

5412. Then you think that there is no possible reason which experience justifies for having the two departments of the Board of Works and the Fisheries blended together?—None whatever.

5413. And it is your opinion, from a long experience and knowledge of the matter, that there should be an independent and exclusive board devoting its entire energies to the subject of the fisheries?—It is my honest and unbiased opinion that if that is not done it would be better to sweep away the Fishery Board in Ireland altogether, and I am speaking very disinterestedly, because I am not looking for any appointment under the Bill, inasmuch as I am a permanent officer of the Government.

5414. You are not only in an independent position, but you have had long and intimate experience and knowledge; and, therefore, you can give an opinion to the Committee, which the Committee ought to respect?—I speak very independently of the whole thing, and I have long and most anxiously and most carefully studied the matter.

5415. Are you of opinion that the present fishery staff is quite insufficient for all practical purposes?—The present fishery staff consists of Mr. Barry, and, I think, that it is positively absurd to imagine that one gentleman can do the business. I, who am a much younger man, could not do it, and would not attempt to do it.

5416. If you are of opinion that frequent visits to the fishing stations are beneficial, it is quite impossible that they can be made at the present time?—Quite impossible; and those visits might be made of very great importance if the Board of Works would not adopt what may be called the non-intervention principle.

5417. Do you think that a properly constituted Board would be able to do a great deal of good towards the promotion of the fisheries?—I am sure of it if composed of practical men.

5418. What machinery and organisation would you suggest?—My idea is that you should get three men thoroughly understanding the subject, who should be both inspecting and administrative, and who should give every possible advice to the fishermen, and assisting them throughout the country.

5419. What do you mean by "assisting them?"—Giving them advice is a very important assistance. For instance, if there are cases of bad feeling among the fishermen, or fights with the Claddagh men, as occurred before a trawler was even put in Galway Bay, a Commissioner or an Inspector of the Government has a very great moral effect upon the people in inducing them to give up rows and to go to sea and so on.

5420. That is moral assistance?—That is one form of assistance.

5421. Would you also avail yourself of the coast guard?—The coast guard can give certain assistance, but they do not give so much assistance as might be given.

5422. Suppose that they received a pecuniary inducement?—In some districts they might be able to do so.

5423. From their intelligence and their profession, do you not think that they might be useful?—In some districts they would be most useful, in other districts they would not.

5424. I will now come to the question of material assistance. As I understand you, you would endeavour to obtain security for any loans advanced to fishermen?—I would.

5425. In case a fisherman was known to be an honest and an industrious man, would you take his

his personal security, provided that there could be no local or intermediate security obtained, if you took sufficient precaution that the money was applied to the purpose of building or repairing the boats and gear?—Some such cases might arise in Ireland, but as a general rule, I would not take only his security, there are, however, such cases. I could put my hand at this moment on a man in Dingle Bay, of the name of Moriarty; if he asked me to lend him 500 *l.*, I would do so from knowing his character, though he is a common fisherman.

5426. Do you think that there are persons who would go security for the fishermen upon the faith of their honesty?—I think so, in many places.

5427. From your own knowledge and experience of the character of those men, if you were in any locality where they are, would you be inclined to go as security for them?—In many places I should not have the slightest objection.

5428. What, as a general rule, is the character of the fishing population, meaning by the fishing population not only those who exclusively devote themselves to fishing, but those who possess a little land?—Taking them on the whole, I think that their characters are exceedingly good.

5429. Are they lazy or industrious?—I do not think that they are lazy, and I think they would go out fishing if they had the means.

5430. What might be apparently laziness is attributable to want of means?—There is no doubt of it.

5431. Is that the explanation which you give of the apparent want of energy which seems to exist?—Yes; there is not really a want of energy. The poor Claddagh fellows are now dying out, and they brought it, I think, upon themselves very much.

5432. You think that the coast population are both hard-working and honest?—Yes; I have a very good opinion of the coast population.

5433. If they got encouragement, do you think that necessarily, from their circumstances, it would tend to a great deal of good?—I have no doubt that it would; and if they do not get encouragement, I think they will all die out, particularly on the western and north-western coast.

5434. Do you think that that would be a great evil, or otherwise?—I think that it would be a very considerable one.

5435. Do you think that it would be an imperial one?—Yes; I remember Captain Crispin, of the "Hawk," telling me that on one occasion he had got 1,000 men in one season as coast volunteers from the west and south-west coast of Ireland; that was during the Crimean war.

5436. Then, if that population died out, the failure of getting men for the naval service would be an imperial misfortune?—No doubt of it; if these men were properly taken in hand, I think they might be made first-rate seamen for the navy.

5437. And if they were not taken in hand, would there not be a great loss to the country in not supplying the quantity of fish which they might supply?—That loss would be incalculable.

5438. Supposing that we encourage the development of the fisheries, are we not now in a better situation to make them profitable than we were in former times, when there were not railways and the means of transit which there are at present?—I think that you are in a better position to develop the fisheries now than you ever were, and the present circumstances of Ireland imperatively demand it.

5439. I suppose that you cannot supply the demand of the market?—We cannot.

5440. There is an unlimited demand?—Yes; and a very great dearth.

5441. Therefore there is no fear of glutting the market?—Not the slightest fear.

5442. And therefore there is a field open for the energies of the fishermen?—Always.

5443. I believe that it is almost impossible for an English or a Scotch gentleman to estimate the tremendous consequences of the Irish famine?—I think so; I have seen it, and know all about it.

5444. Everything went at that time?—Yes, boats, gear, and everything went, and the poor fellows lives eventually; no one can give a description of it.

5445. And those things could not be renewed?—They could not be renewed; the men had not the means of renewing them.

5446. In an imperial point of view, do you not think that it would be a wise thing to give the fishermen every possible encouragement?—As an imperial question, I think that it would be most important at the present moment, and I think that at least for a few years, the experiment ought to be made. I think that it is worth a great deal to the State to try that experiment, even if it cost them 50,000 *l.*

5447. But you do not imagine that there would be a loss of that amount?—I do not imagine that there would be any loss at all, save the expense of the department, which would be very little.

5448. But even if it cost 50,000 *l.*, do you not think that that is a perfect bagatelle?—A perfect bagatelle; but I cannot see that there would be any loss in the matter, if the whole thing was worked vigorously and judiciously, and not indiscriminately.

5449. Colonel *Annesley.*] Supposing that the Committee were not quite prepared to do away entirely with the restriction in the bays, would you make a compromise, so as to allow the trawlers to fish from 11 o'clock till sun-set; that is to say, in the present restricted bays?—I think that it would do the trawlers very little injury to prevent their fishing in these bays from sun-set to sun-rise.

5450. I put it that trawlers between 11 o'clock and sunset should have liberty to trawl?—That very question has been before the Board of Works as the Fishery Board, and in November 1865, they legislated upon the subject in Kenmare Bay; and I have a letter addressed to myself, from Lord Landsdowne's agent, which he requested me to read to the Committee; it is as follows:—"Kenmare, June 13th, 1867. Sir, As the subject of Irish fisheries is at present before Parliament, it may be desirable that I should bring forward two matters of considerable local importance in connection therewith. First. Ballinskellig's Bay is well known to all trawlers within 50 miles of it to be one of the best fishing bays in Ireland. I was present a little time in a trawling vessel one day when she made one scrape as it is called, and upon emptying the net into the vessel, we had about 20 pair of magnificent soles, about 30 pair of plaice, about 20 crabs, one or two turbot, and a large quantity of skate, and other coarse fish, which we threw overboard. It is, however, almost impossible to fish Ballinskellig Bay because of the danger attending any vessel that stays there; the Bay

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is in shape like a horse-shoe and has a sandy beach all round, and lies directly open to the south-west; the consequence is that if come on to blow heavily, vessels must stand out to sea, or else run for the only shelter in the bay, which is behind an island, called Horse Island, being at the north side of the bay, close to the main land; in gales of wind, however, the swell of the Atlantic is so heavy that it rushes round the island at both sides, and meets at the lee side with such a pitch as to swamp almost any small boat; I once saw a large French ship saved from destruction during a heavy gale of wind by running under the lee of this island when the surf was flying over it, although it is 160 feet high; between Horse Island and the shore the distance is exactly 270 yards, as appears by the Ordnance map, which I send herewith. The water is shallow, and the bottom rocky, and if vessels flying before a gale of wind attempt to run between the island and the shore, their destruction is inevitable. There is one thing which would remove all danger, and make Horse Island such a safe anchorage as to render the whole Bay of Ballinskellig available for fishing, and that is the construction of a breakwater from Horse Island to the shore; I daresay it would cost 30,000 *l.*; but the advantage of such a work, both to the shipping and fishing interests, would be enormous. Secondly. The second point to which I desire to call attention is the injury which has been inflicted to the local fishing interests by a recent bye-law, restricting trawling in Kenmare Bay to certain places and certain hours; before that restriction was imposed, about two years ago, there were over a dozen trawlers, representing a capital of about 1,000 *l.*, in the habit of trawling between Dinish Island and Dunkerron Islands; now there is only *one!* There are at this moment two good trawling vessels, of about 12 tons each, lying idle at the pier of Kenmare, because those restrictions have made it not worth their while to go fishing at all. Another evil arising from the bye-law referred to is, that since the trawlers have been stopped fishing, there is scarcely a bit of fish to be got in Kenmare! The trammel fishermen, for whose supposed advantage this restriction upon the trawlers was made, are generally small farmers, who earn a livelihood partly by land and partly by water. They catch with their trammels small quantities of fish for their own consumption, but to the export trade they contribute practically nothing. This bay is 30 miles long, and from one to five miles broad. The trawling ground is about three miles long, by a quarter of a mile broad. And as trammels can be set all round the trawling ground, and in every part of the bay except the trawling ground, without injury to any one, it appears to me to be but common justice that the trawlers should be unrestricted in that portion of ground which is available for the purpose. But in a mercantile point of view, as I have described, I think the matter is of still more importance, particularly as no real injury will thereby be inflicted on the trammel fishermen. It may interest you to know that we have this year, upon Lord Landsdowne's estate, successfully artificially reared 20,000 young salmon, and have put them out into the rivers upon his Lordship's estate, each fish being about one inch long; having thus got them through the danger which attends their infancy of being destroyed by floods, and devoured by other fish. These 20,000 young salmon cost about 30 *l.*; they will, if they all grow to maturity, be worth 3,000 *l.*; but supposing that nine-tenths of them are devoured by their numerous enemies, or caught by fishermen who had no share in the trouble of rearing them, and that the proprietor catches one-tenth, or even one-twentieth of them eventually, which I look upon as probable, since salmon always return to the river where they have been reared, unless destroyed at sea, the investment will be a very good one.

"Very faithfully yours,
"*J. Townsend French.*"

5451. The effect of your evidence would be, that restrictions ought to be done away with?—I am clearly of opinion that they ought to be done away with when you look at a bay and find that trawling is prohibited within a great space of it; it is not all trawling ground; there are only patches of trawling ground. If a trawler works there at night he must do it at great risk, because if he gets on foul ground he will break away his trawl.

5452. Would you totally do away with the restrictions?—Yes, eventually, in a very short time; and I think that the people would all then settle down quietly to their different modes of fishing, perfectly separate from each other.

5453. What would you think of trying the experiment which I have mentioned as a compromise in the first instance?—I do not think that it would do the trawlers much injury in the bays to which you referred.

5454. And you think that it would soften the opposition of the line men?—It might do so.

5455. Do you see any practical difficulty in it?—I do not see any practical difficulty in it at all.

5456. Would you propose that this should be done by one sweeping enactment applying to the whole coast, or by the Commissioners having power, as they have now, to make bye-laws?—The simple course would be to legislate that in bays, where trawling nets are used, trawling shall not take place within certain hours; but outside the bays you should encourage trawling as much as possible at all hours.

5457. There are some bays where there are no trammels?—Trawlers need not do line fishermen any harm.

5458. Mr. *Maguire.*] Do you mean to say that a trawler can go over spiller lines, long lines?—Yes, you can swim your trawl over. If the matter was investigated, it would be found, I think, that wherever this damage has been done the trawlers have not done it wilfully.

5459. Colonel *Vandeleur.*] In rough weather would it not be rather difficult to see small buoys?—A small buoy, of course, it might be difficult to see, but still it would be better than the things which are used at present. I have often seen only a bit of twig, a very small branch.

5460. Is not a dogskin or a bladder used?—Sometimes there are dogskins.

5461. In the early morning, or in the evening, or at night, is it not almost impossible to see a thing of that sort?—If you work at night you cannot see those things.

5462. You have spoken of swimming your trawl over; is not trawling rather a dangerous operation?—No, I have been in Dingle Bay, where hardly a vessel could stand in it. If a trawl swam over a line, it would, perhaps, lose some of its fish. The trawlers do it now so expertly, that

that they say that they can do it without the slightest risk of losing their fish.

5463. In deep water?—Yes; in almost every bay in Ireland where trawling is prohibited, it is deep water. Along the entrance of the harbour at Dingle, nearly up to Castlemain, there are 10 and 12 fathoms of water; the five-fathom line runs almost close up to the foot of Castlemain, just the top of the water.

5464. A trawler, I suppose, would not venture to trawl much above Dingle with a westerly wind?—They do so.

5465. Castlemain being a very bad harbour?—Castlemain is a very bad harbour, but they constantly trawl up there; that is where I trawled. I sailed in Dingle Bay when the fishermen themselves declined to go out, and it was put upon me by a gentleman who has been before this Committee; namely, Mr. Andrews, or I should not have done it; he asked me to go out to see the bay in a storm.

5466. How was the wind?—I cannot say.

5467. That was above the harbour of Dingle?—Yes; I have trawled above and below.

5468. I gather from your evidence that you object to the bye-laws which have been made for the regulation of trawling?—Yes, I think that they have done a great deal of mischief.

5469. Would you object to bye-laws for police purposes?—Certainly; you might as well make bye-laws to prevent machinery.

5470. You have referred to a transaction where a yacht was trawling?—Yes.

5471. Was she attacked?—No; it was Mr. Pearce's yacht.

5472. Do you remember Mr. St. George's yacht?—It was in about 1851 or 1852; Mr. Synge had a trawler.

5473. Mr. St. George had a yacht, and was obliged to run his yacht ashore, to prevent being attacked by the line-men?—Yes; I think that that is not a line of conduct which should be allowed by the State, but that they should put down such conduct.

5474. Are you aware that a gun-boat was sent there?—Yes, but the gun-boat was generally of very little use; they prevented the men from coming out from the shore to go on board the trawlers; they should have been put down by the strong arm of the law, as every riot ought to be.

5475. I understand you to say that that feeling is subsiding?—I see by the reports of the Commissioners that it is so, and I am very glad of it.

5476. Have any of the Claddagh men gone on board trawlers?—I have heard that they have done so in the Doohulla Fishing Company. In 1852 or 1853 they fished very profitably for some time, and made a great deal of money, but they drank with it and squandered it away, and when their nets became damaged and wanted repair they had no money to buy new ones. I have made a special report of that, and I think that it was published in the Commissioners' Report of 1852 or 1853.

5477. And since that time I believe they have never trawled?—I think not; I can refer, if you wish, to the exact date of it. Nearly all the fellows then turned out to trawl.

5478. And they made a good deal of money by it?—Yes.

5479. General *Dunne.*] Where was that?—In Galway Bay; it was by the Claddagh men.

5480. Colonel *Vandeleur.*] When the nets were worn out, what happened?—They had no means to provide new ones. The Claddagh men have always been a most improvident set of men.

5481. Since that time they would not trawl themselves, and they objected to anybody else doing it?—Yes; they were the dog in the manger; I may be wrong, but I conceive that the inquiries which have been held from time to time, as riots of this kind have taken place, with a view to know whether trawling should be prohibited further out or not, have tended to keep alive this feeling of hostility by the Claddagh fellows against the trawlers rather than anything else; and I think that it would have been better for the Government to have said that they would allow trawling all over the bay, and everywhere else.

5482. Do the Claddagh men persevere in line fishing?—Yes. In 1860, I held an inquiry in which one man stated that he took 18 dozen of ling in a few hours, and I asked him whether he ever did it again, and he said that he was afraid of the weather.

5483. Were the boats which they used small boats?—They were open boats of from three to five tons.

5484. What boats would you think sufficient to go out?—Galway Bay would require much larger boats, either half-decked boats or decked boats; of course decked boats would be better.

5485. Of what size?—From 25 to 30 tons.

5486. You think that no boats of a less tonnage could be properly employed by fishermen of that class?—The Claddagh, where the Claddagh men are, is a very bad place for a fishing station; it is at the top of the bay, and it is a pity that they have located themselves there; if they had located themselves at Barna, or some such a place, they would have been much better off.

5487. Would you consider Clare Island, where there is a good pier and not bad anchorage, a good place?—Yes; I think that it is a pity that the Claddagh men did not locate themselves there instead of at the Claddagh.

5488. To your knowledge, have the Claddagh men increased or decreased lately?—They have decreased very considerably.

5489. Within the last few years?—Yes; I had a letter from Galway a short time since, in which it was said that they were nearly extinguished; that they were all dying out.

5490. Do you think that the system of loans which is proposed by the Bill would be an improvement?—I do not say so, so far as the Claddagh men are concerned, although it might have a good effect; but it certainly would improve other parts.

5491. Do you conceive that a system of loans, judiciously exercised, would improve the fishermen in other places, by enabling them to fit out their boats?—I have not the slightest doubt of it; and if judiciously managed, I think that there would be no loss to the State, and a very great good to the country.

5492. In Dingle it has been a decided advantage?—Yes; and also in Howth, where loans have been made by a charitable society. I know the little station of Tipp, concerning which Mr. Savage was examined here, and I think that a small loan even there to a man like that would keep the people together, and that they would fish remarkably well and profitably there. That man, to my knowledge, has spent a large sum of money

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money in houses and schools, and one thing or another.

5493. Such a man as Mr. Savage might take up a loan for encouraging his own people?—Yes, it would be most important.

5494. Or a loan might be granted through such a society as Mr. Andrews'; that is to say, that the money of Mr. Andrews' Society might be supplemented by the Government?—No matter where the money comes from, I think that if a loan is made on proper security, it will be to the great advantage of the fishermen.

5495. The question is, what is to be the machinery?—I would not employ a charitable society in lending public money. I would have public officers, who would carry it out properly and faithfully, and perfectly independently of persons, and who would not be influenced by any body.

5496. Would you have the loans made exclusively to persons carrying on the occupation of fishing, or would you grant them to persons having not more than a small portion of land?—I would not lay down any rule. I would make loans to both, because there might be as good men having a small portion of land and following fishing, as men following fishing exclusively.

5496.* It being made certain that the money so granted would be applied to that special purpose?—Of course, I presume that the public officers administering the loans would take care that the money was lent properly.

5497. What public officers would you suggest?—The three Commissioners whom I have suggested, with at least two inspectors, and they could manage both the salmon and the sea fisheries.

5498. Would it be possible for the Commissioners to attend to the advance of every loan of 20*l.* which might be required?—I think so, with the aid of their inspectors and the coast guard. I think that the coast guard might be made very useful in some cases; for instance, in a fishing locality, men might want a loan of 8*l.* or 10*l.* a-piece; all the forms would be taken by the Board to lend that money; the security and everything would be looked into, and the money would be sent down; the inspecting commander of the coast guard, or the inspector, would get the money, and the inspecting commander of the coast guard would then see that the money was laid out for the objects for which it was intended. I think that all those things could be well carried out.

5499. Would you equally grant those loans for salmon fishing?—No; salmon fishing is quite a different thing from sea fishing.

5500. Are you aware that the same boats are used for salmon fishing and for sea fishing?—In very few places; they are used in the Shannon.

5501. Are not the same boats used in Passage, at Waterford?—In Passage they are used. The factors generally set up the salmon fishermen.

5502. Some of them?—Yes.

5503. Would you grant those loans equally for building boats, and for nets for salmon fishing as for sea fishing?—No, I would not make them at all for salmon fishing; I look upon salmon fishing as a different thing altogether from sea fishing; it is not attended with the same risk or with the same labour, and there are many different circumstances connected with it.

5504. Are you aware that there is a quantity of herrings taken in the Shannon by those very boats?—Yes, in the season.

5505. And those boats catch herrings after they have done with the salmon?—Yes, I am quite aware of it.

5506. Are you aware that there has been a very large increase since the new Act?—I am happy to say that there has been a very large increase of drift nets on the Shannon.

5507. Do you remember the number?—No, but it is much more than we ever expected to see; it is much greater than anybody ever expected.

5508. I believe that it has not given very great satisfaction to some of the parties?—It has given very great satisfaction to the public.

5509. But not to others?—No, not to the people who used stake nets, but there have been more food and more wealth, and more employment brought into the country.

5510. Are the Upper Shannon people equally satisfied?—The Upper Shannon people make complaints, but I do not think that many of those complaints are well-founded.

5511. Before you were employed under the Fishery Board, in what department were you?—In the Land Improvement Department of the Board of Works.

5512. How long have you been in the Fishery Department?—Since 1850.

5513. How long has Colonel M'Kerlie been Chairman of the Board of Works?—A very few years; two or three years.

5514. I suppose that you knew nothing either of salmon or of sea-coast fishing before 1850?—Nothing whatever.

5515. Every body has to learn?—Yes, and I learnt it by a course of very long and arduous study.

5516. And you are very well up in it?—I ought to be, because I worked very hard at it; I worked night and day at it to obtain the knowledge.

5517. It took you some years to learn?—Yes, and I have much to learn yet.

5518. Colonel M'Kerlie is also learning the subject?—Yes. Mr. Barry, who has been 50 years acquainted with it, has stated that he does not know all; and I believe that if I should be connected with it for 50 years I shall not know every thing either.

5519. With regard to the oyster fishery, is it not a difficult thing to obtain seed oysters?—It has been difficult in some places; on the eastern coast there has not been much difficulty.

5520. Has there not been a very large exportation of young oysters?—Yes; 25,000 tons of oysters were taken from Arklow in one season alone.

5521. Do they feel the effect of that there?—It appears not; because the priest of the parish, Archdeacon Redmond, states that the beds are as good as ever; they are 40 miles long, and two miles broad. I have received the following letters from Archdeacon Redmond: "Arklow, 22nd May 1867. My dear Sir,—With regard to loans, I am of opinion they would confer great service on the fishermen here by enabling many to get nets when they could be very reproductive, and could not be got from any local source, and when their loss would deprive the men of the advantages of the season, and especially as nets of superior quality and fitness might be procured. But as for boats, loans would not appear to be so necessary, as we have men of sufficient capital and enterprise to supply that article for all present requirements. With regard to the planting

of

of oyster-beds, there appear to be no grounds for artificial planting on this coast, but we have beds of nature's own planting, 40 continuous miles along the coast, with an average of two miles broad. And so far from the beds being overworked, new beds are being discovered every year outlying in the deeper water. This very season an extensive bed was discovered in which the oysters were so old and so large that the English merchants refused to buy them, and they had to be sold at an inferior price for the home market. Arklow merchants plant only in Beaumaris and in Dublin harbour. But the vital and main point for Arklow is the improvement of its harbour. Its importance is shown by comparative facts. Between 40 and 50 years ago there was but one vessel, of about 60 tons, belonging to this port, and she never could enter the river from the shallowness of the bar, which was constantly shifting, there being neither pier nor wall to make it stationary. At that time there were about 40 herring boats, from five to six tons, and 30 oyster boats, about 12 tons. Within the last 20 years since, the mining company who have the control of the harbour begun to construct fishery piers for their own trade, the herring and oyster boats have increased to the number of 160, ranging from 10 to 20 tons, and there are at the present between 90 and 100 large vessels from 50 to 200 tons burden. But the present piers are most insufficient, and are not at all adequate to the requirements of our hardy and enterprising fishermen and traders. They are not carried out sufficiently to compete with the shifting sand which at times blocks up the mouth of the river and impounds the whole fleet of boats, while the sea swarms with fish, and a brisk trade calls the larger vessels to sea. Besides, they are so constructed, that when the water shoals, it is extremely difficult even for the smaller boats to enter the river, and several are wrecked every year. The only remedy appears to be to have the piers carried far enough to head the shifting sand, and to reach the mail anchorage, which is about 90 yards from the present pier-heads. From the above facts, it is easy to infer what our traders and fishermen would do if they had a good egress and ingress from and to their river. They have increased their tonnage in proportion to the depth of water on the bar, and I am satisfied they would increase it to any extent which an improved harbour would permit. In conclusion, let me observe there are fine trawling grounds on the coast, and these are nearly shut up to the Arklow men, who are prevented by their bar from having boats sufficiently large for that species of fishing, as these should be from 50 to 70 tons. I have given a plain statement, of which you are more competent to judge than I am. With best wishes, I am, my dear sir, yours faithfully, *James Redmond.*" " Arklow, 27th May. My dear Mr. Brady,—During the last winter fishing not less than a thousand barrels of herrings were cured in this town. They were bought at an average of 10*s.* per barrel, and they have been sold at an average of 15*s.* per barrel. If we had the Government brand here, what would they bring? Better herrings and better cured fish could not be found. Why are the Scotch fisheries encouraged by a practical bonus of 50 per cent. in the barrel, and the Irish neglected? I pray you, my dear sir, to bring this matter before the Committee. I say, 'Give us a free egress and ingress to and from our river, and a Government brand to authenticate our article, like a hall-mark, and we undertake, from our own resources, energy, and enterprise to compete with any fishery in the British empire. Yours, my dear sir, most truly, *James* Archdeacon *Redmond.*"

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" Arklow, 30th May 1867. My dear Mr. Brady,—I underrated the herrings saved the last winter. They amounted to between 2,000 and 3,000 barrels, bought at 10*s.* per barrel, and sold at an average of 13*s.*, while Scotchmen, favoured by the brand, have the monopoly of the foreign and the home market. I hope you received my first letter touching the fishery piers. I say give us a fair passage to the sea and we will compete with any English or Scotch fishermen that ever trod in shoe leather. All we ask is a clear stage and no favours; a clear start from the post, and let the victors pocket their odds. Bear in mind that the depth of water on our bar has been the gauge of the tonnage of our vessels, and you may infer that the increase of the one will be sure to augment the other. Yours, my dear sir, most truly, *James* Archdeacon *Redmond.*"

5522. Tralee Bay was famous for oysters at one time?—Yes.

5523. Is it so now?—It is not so much so now, but it is, I believe, improving.

5524. Do not those oysters go to Herne Bay?—They go everywhere.

5525. Have not oysters been doubled or trebled in value?—I believe that they have been trebled in value.

5526. Can they be got?—There are plenty to be got on the eastern coast, at Wicklow.

5527. Are they to be got on the western coast?—On the western coast it is difficult to get them; they are of great value; there were some in Clew Bay, but they have been mostly taken up; they are all very valuable to the country.

5528. If you were planting fattening beds, where would you put them?—On the blue marl.

5529. In what depth of water?—From one to six feet; I would always have them under water.

5530. In obtaining a license for an oyster-bed you have the power, I suppose, of getting besides the foreshore a portion of the deep water outside?—I do not think that I would go to the expense of planting an oyster-bed on the foreshore without having some of the deep water, because the tendency of the oyster is to drop into the water. It is too bad for one man to sow and for another to reap.

5531. The spat goes outwards; you would not, I suppose, grant a license for an oyster-bed to another person outside, where there had been a previous license given?—Certainly not; I would extend that license to the proprietor rather than anything else. If the proprietor chose to plant his foreshore, and if I gave him a certain portion of the deep water outside the foreshore, I would not allow another proprietor to come outside him; I would give that other proprietor another portion, provided that no public rights existed there.

5532. Wherever there are oysters do not the public claim the right of dredging?—They do in general.

5533. Does that exist now all over the Shannon?—Yes; there are a few instances of private property. It is the same in Waterford, and other places; there are a great number of places where that is the case.

5534. Would there not be considerable difficulty in giving an oyster license to any extent in deep water?—There is no difficulty whatever

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if it is marked out and buoyed. Under the Petty Larceny Act persons are subject to very heavy penalties for coming in upon that oyster bed if it is sufficiently marked out.

5535. Would it be fair and right to the public to grant an oyster license to any extent in deep water?—I would give the proprietor the right where no public right exists.

5536. It is proposed by the Bill to give him a large tract outside that again; and the Bill provides that if he does not employ it, it may be given to another person; what is your opinion in that respect?—I think that that is quite right; if you will not plant beds outside your foreshore, and if a man of capital wants to go outside your foreshore, I think that the Commissioners ought to be permitted to give a license to that man to plant an oyster-bed there; he is not doing any harm to you, and he is doing great good to the country.

5537. That, I presume, is not for the purposes of breeding?—It is for the purposes of breeding and fattening, and everything.

5538. General *Dunne.*] You have used the word "profitable" with regard to fishing; what do you mean by "profitable"; profitable to whom?—It was with regard to the Claddagh men, I think, that I used that expression; it was profitable to themselves, and, of course, to the consuming public.

5539. You say that the first blow to the prosperity of the fisheries in Ireland was the withdrawal of the bounties and the loans?—Yes, in 1830.

5540. Would you grant bounties?—No; I think that the bounties caused an unusual excitement, and did not do any good.

5541. Then there was a reaction?—Yes; loans would be a different thing.

5542. You said that you would have loans administered by public officers, and, when asked more particularly, you said the coast guard?—I never intended to say that the loans should be made through the coast guard, because I think that it should be all done by public officers administering the fund.

5543. Who are they?—Three Commissioners, and at least two inspectors.

5544. Do you think that in numerous parts of Ireland they would have sufficient knowledge to be able to lend money, and to know the solvency of the men?—I think so; I think that there would be very little difficulty, with the aid of the coast guard, in ascertaining the solvency of the men in all the principal stations where the fish would be likely to be taken up.

5545. What local agency would you propose?—Inquiries might be made through the coast guard, and through banks and shopkeepers, and other people, who would always be likely to give information to a Commissioner or to an inspector.

5546. Would you make those people who were to attend to the loans in that way, paid officers?—Certainly.

5547. Then would you not have a very large staff?—No; because the way in which I would manage it is this, you would get a certain number of applications from any district, say Galway; those men would then have printed forms, with the name of their securities, and so on, and the purpose for which they required the money, and the inspector would make inquiries with regard to the solvency of the securities offered.

5548. Do you mean that that would be done by the two inspectors?—Yes; say that one of the inspectors goes into Galway; he has a schedule of the loans which are asked for, and he makes inquiries as to the solvency of the securities offered; he reports the information which he has obtained, along with his own remarks, to the Board; and upon that, if satisfactory, the loans are made, repayable by easy instalments.

5549. Do you think that two inspectors would be sufficient to attend to all the applications which might be made from the whole of Ireland?—It might turn out that they would not be able to do so, and then it would be necessary to increase the staff; but I think that the matter is so important, that even though it would require a much larger staff than I anticipated, it would be amply repaid in general by the advantages to the country.

5550. I wish to obtain from you the minutest detail of the means by which you would issue these loans. Must it not require a great deal of local knowledge of the solvency of the persons desiring the loans?—Yes, and you would have that local knowledge through the agency of the coast guard, and shopkeepers, and managers of banks. At the present moment the Board of Works in making a loan for land improvement have to take a bond from the borrower, with a surety, for the due application of the money; they instruct their solicitor, who makes inquiries through the country as to the solvency of the security offered, and the very same thing might be done with regard to the fisheries.

5551. How would you apply that system to loans for fishery purposes, because in the other case there are local inspectors in every district?—Under the Land Improvement Act, you only have an inspector appointed for each job; you have no permanent inspectors under the Land Improvement Act, but only just as occasion requires. That was the object for the Land Improvement Act originally.

5552. Would you have the same machinery for the fisheries?—No, I would have permanent inspectors who would be going all round the coast, and who, I have no doubt, would make sufficient inquiries to justify loans being granted.

5553. Do you think that two inspectors would be sufficient for that work?—I do; but I may be very wrong in that, and if it required an increase, I think that it should be made. If you look at what took place from 1826 to 1830, when loans were made to the fishermen by the Commissioners of Fisheries, you will find that the loss was very trifling, and I think that that loss would never have occurred had not the matter been peremptorily wound up in 1830; all the loans were stopped, and of course there was a general collapse. Even after that time, from Glandore, Baltimore, and other places, 2,000 *l.* odd was repaid after the whole thing was wound up, leaving only a loss of a few pounds from those districts. In 1830 the 5,000 *l.* for piers and harbours ceased; but the 500 *l.* a year, I think, did not cease, and should have been available.

5554. And in fact, according to law, you think that it is available at this moment?—I think so; I do not think that there is a single provision in any Act of Parliament repealing it.

5555. Do you know Howth Harbour?—I do.

5556. Is it not one of the largest of our fishing places?—Yes; probably it is the largest fishing place all over Ireland.

5557. Do you think that that is one of the harbours which ought to be attended to?—I have always

always heard that it is a badly situated harbour for large boats; that it is in a bad position, and never can be made available for large boats. Skerries would be much better for large boats; but I think Howth Harbour a most valuable place.

5558. Do you think that generally small piers are wanted for fishing stations round Ireland?—I think that there are some places where piers might be built with very great advantage.

5559. Do you think that there are any piers which have been built which are now going into decay?—Nearly all of them are.

5560. To what do you attribute that?—To the Board of Works having handed them over to the counties, and the counties not attending to them. I think that the Board of Works ought to have had the power of keeping up the piers if the counties refused to do so.

5561. Have not the Board of Works that power now?—I am not quite certain, but I believe that they have.

5562. With regard to Dublin Bay, did you hear the evidence given to the effect that the trawlers had come across the lines of the fishermen?—I have no doubt that they have done so in many places; but taking the extent of the line fishing, and taking the extent of the trawling, I think that there are very few instances of damage compared with the extent of work done.

5563. You are aware of the state of poverty in which the Irish fishermen are represented to be?—Yes.

5564. You are aware that it has also been stated that the English fishermen are not in such a condition; can you state any reason for the difference between the two?—I do not know of any, except that the English fishermen have free trade, and that the Irish fishermen are hampered by legislation.

5565. How has an English fisherman free trade?—He fishes where he likes, and when he likes, and how he likes; but the Irish fishermen are hampered by regulations.

5566. Then you entirely attribute the poverty which there is among the Irish fishermen to the regulations as to trawling?—I attribute a great deal of it to them in those places where trawling is prohibited.

5567. Are you aware that the whole of the trawling ground of Ireland is of very limited amount?—It is of very limited amount in the different bays, but taking it altogether it is of large amount. If I had the Admiralty charts I could point out to you the exact trawling grounds in the different bays.

5568. Do you mean to say that the regulations as to trawling have impoverished the whole coast of Ireland?—No, I do not mean to say any such thing; but I say that the restrictions on trawling have tended to injure the fishermen.

5569. Then do you modify your former answer; will you give me any other reason?—That, I think, is the only thing.

5570. How many bays in Ireland are there where those restrictions exist?—I believe that they exist in every bay where trawling can be exercised, except one; Donegal Bay, I think, is the only one which is open.

5571. Why have not the line fishermen improved in proportion as they have been protected by the restrictions upon trawling?—It is a very extraordinary fact that the line fishermen have gone down; they have been getting worse and worse in every bay where trawling has been prohibited. The Dublin Bay line fishermen are worse to-day than they were when there was no restriction upon trawling.

5572. Do you think that the restrictions upon trawling have injured the line fishermen?—I think that if you allowed trawling you would have more fish; I have a strong opinion that if you cleared the ground by means of the trawl, and raked up the ground, you would have a great increase of fish into that very bay, and we have proofs that it has been so.

5573. Does the trawl root up the ground in the way which you describe?—It does not tear up the ground; it loosens the top of the sand and all the bait, and everything of that sort comes up through the sand.

5574. Then would not spawn, if it was laid there, be disturbed?—I have no doubt that it would.

5575. But you state that it is not so?—I do not say at all; I know nothing about spawn. I never discovered it from any of the experiments which I made, and I candidly admit that I know nothing about it.

5576. But if spawn was laid in those places, the trawling would be injurious?—It might be; but I should hardly think that the rope would do injury.

5577. If it does not, it does not root up the sand?—We know that it does so to a certain extent, and that when a trawl has gone over the ground the line-men go over the same ground, because the bait is disturbed by the trawl.

5578. Then you think that since trawling has been prohibited the condition of the line-men has deteriorated?—In those places where trawling has been prohibited it is the fact that the line-men have gone down; but whether from that cause or not I cannot say.

5579. Do you think that that is the opinion of the line-men themselves?—They attribute it to trawling.

5580. But you think that they are entirely wrong in their opinion?—Yes; we have had a trial for 25 years in Dublin Bay, where trawling has been prohibited, and the line-men are probably worse off to-day than they ever were. Colonel M'Kerlie himself stated that they were in a very distressed condition. Now I think that it may be as well to try the other side of the question, and to let trawling go on for 25 years, and we shall then see the effect which it will have upon the line-men.

5581. Are you aware of the number of bays in which trawling is now prohibited?—Yes; I think that it is prohibited in 14 bays.

5582. Has the fishing improved in the bays where trawling is not prohibited?—I think that there is only one bay in Ireland in which trawling can be used where it is not prohibited; namely, Donegal Bay.

5583. Mr. *Clive.*] Is trawling prohibited in Blacksod Bay?—They have no trawlers in Blacksod Bay. A trawler may occasionally get into Blacksod Bay, but it is very seldom that you see a trawler there.

5584. General *Dunne.*] Am I to understand that there are no bays in Ireland except one where trawling can go on?—I think there is only one bay where trawling can be practised in which it is not restricted.

5585. In those bays where it is not practised have the fish increased or decreased?—It is not practised

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practised in Donegal Bay, and the fish have not increased there, and that is the principal bay.

5586. Then where trawling is not practised, and where it is practised, the fish have equally deteriorated?—I will not say that they have equally deteriorated, but they have deteriorated.

5587. Do you mean that they have deteriorated in the quantity of fish, or in the quantity captured?—The men themselves have deteriorated.

5588. Is it the quantity of fish which has diminished, or the capture?—The quantity of fish to the consumer has diminished.

5589. I mean the quantity in the bay?—You cannot test these things. If you will not allow trawling in the bay, you cannot tell what fish are in the bay.

5590. Is it your opinion that on the different coasts of Ireland the fish have increased or diminished?—It would be impossible to say that; I do not think that we have any data to say that they have or have not diminished.

5591. A great deal of evidence has been given on that subject; what is your opinion upon it?—Taking the broad question, I certainly do not think that they have diminished.

5592. In Dublin Bay have not the haddock decreased?—The haddock have decreased in nearly all the bays, and they decreased in Galway Bay many years before a trawler was put in it.

5593. Have not mackerel increased?—In some places; in Kinsale the mackerel fishing has increased.

5594. Have hake diminished or not?—I cannot say.

5595. Taking it altogether, you do not think that the quantity of fish has decreased?—I do not think that the quantity in the sea has decreased.

5596. The capture has decreased?—Yes; but I think that if you had men to go after the fish they would get as much as they did long ago.

5597. Do you not think that the markets have been improved?—Yes.

5598. Have not the facilities of getting the fish to market increased?—Yes.

5599. Why has not that stimulated the people?—Because they have been too poor; poverty has struck them down.

5600. Why has not that cause operated in England?—Because I do not think that the people of England ever suffered as the Irish people have suffered. I think that their first suffering was in 1830 from the loss of the loans, and then there was the famine in 1846 and 1847.

5601. On the Irish coast is there not a great uncertainty in the fish, there being a large portion at one time, and none at another?—I do not think that the fish are not there, but they do not come in as they used to do. Killybegs used to be a great harbour, and I think that if the men had boats to go out for the fish they would find them. If you find a man going out without prejudices he is sure to be repaid for it.

5602. Do you know Cape Clear?—Not very well.

5603. Are you not aware that sometimes on the coast the quantities of fish which come in are such that the men have not actually materials to take them?—I have heard of that.

5604. And at other times is it not the fact that there are not sufficient fish to support the people who are fishing?—That is close in shore. I think that that may be occasioned by the state of the wind and tide, and many other things. If the men had the means of going out to the fish instead of waiting for the fish to come to them, I think that they would have fish enough.

5605. If they had large boats you think that they would be successful?—Yes.

5606. Are there not some portions of Ireland where they have curraghs?—Yes. In some parts of Ireland, such as the county of Antrim, it would be absurd to put large boats; in the county of Antrim I do not think that you could ever make a fishery.

5607. Colonel *Vandeleur.*] And the coast of Clare, for instance?—Yes, perhaps so.

5608. Last autumn there was a very large take of mackerel, but not a single mackerel was taken inside the river?—That perhaps may show you that I am not drawing very unfair conclusions when I say that the fish sometimes do not come in, but remain out at sea, and that if people went out for them they could be found.

5609. General *Dunne.*] You do not think that the uncertainty of the coming in and out of the fish is a cause of the poverty of the fishermen?—No, the only uncertainty, I think, is in bays.

5610. If the people do not go out, that uncertainty must act on the people who fish only in bays?—No doubt.

5611. I have been informed that at Cape Clear the people at times have more fish than they can catch, and that at other times they are starving and cannot fish; you attribute that to their not having proper boats?—Yes; to their not having proper boats to follow the fish out. I will give you one case which came under my own observation. I have been in Galway, at the Claddagh, when the herrings were so thick that they were catching them at the dock gates; the Claddagh fellows waited till the herrings came to them instead of going out to find them.

5612. Have the Claddagh men boats which will do for that?—Yes.

5613. To what do you attribute the circumstance of their not going out to find the fish?—I think that the Claddagh fellows are a very improvident set of men.

5614. You have stated that they trawl?—Yes, from my knowledge of the Claddagh men, I would be very cautious in granting loans to them. That is the only place in Ireland where I have an unfavourable opinion of the fishermen.

5615. Mr. *Cooper.*] Did you hear Mr. Stewart's evidence?—I did not.

5616. He stated that he objected to introducing the principles of the Land Improvement Act into this fishery Bill; do you agree with that?—I should like to know his reasons for objecting to it before I could answer the question, because he may give very valid and substantial reasons for it. The only objection which I see to the Bill, as it is framed with regard to loans, is, that money is to be lent on such security as the Board of Works may be satisfied with. If you have a separate department to administer these loans, the Board of Works may say, "We are not satisfied with the security;" so that the whole thing may become a dead letter. I think that you must place the whole matter under one department.

5617. Do you know the provisions of the old Bounty Act?—Generally.

5618. Do you think that it would be more advisable to revive those provisions, or to extend the provisions of the Land Improvement Act to a Bill of this kind?—I would not admit the principle of bounties at all for any purpose.

5619. But I think they had the means of lending

ing money?—Yes, and the way which I have been describing, is the way in which they did it; they took bonds and promissory notes under which the money was repayable.

5620. That is very different from the provisions of the Land Improvement Act?—Yes, because there you charge your estate.

5621. What do you think the most applicable principle to introduce into a Bill of this kind?—There are two separate things: you deal, first of all, with fishermen, to whom you would grant small sums for the repairs of their nets, boats, and gear. These men may or may not have land, and they can only give you personal security; the money to be repayable upon promissory notes, with sureties. It is a different case with an oyster bed; the proprietor may wish to plant an oyster bed, and he may say, "This oyster bed will cost 2,000 *l.*; I will not spend my own money, because I can get it at 3½ or 3¼ per cent. from the Government, and I will charge my estate for it."

5622. Under this Bill, it is possible that a man who is not a proprietor may apply for an oyster license?—Yes; but under this Bill I do not think that any man who is not a proprietor can borrow the money.

5623. Are you also aware that, under the Act of last year, a man who gets an oyster license may separate the oyster bed from the rest of his property?—Yes, under the Act under which the Commissioners are now acting.

5624. Then his property would give no security for money which he borrowed for an oyster bed?—Yes; if you pass an Act of Parliament enabling a proprietor to charge his estate with the money expended upon his oyster bed, you have the security of his estate.

5625. Then you would have to alter the Act of last year to a certain extent?—I think that the Act of last year was a very bad Act; I think that it was legislating in the wrong direction. I think that the Act for the oyster fisheries of England is a good Act, and has no such restrictions as the Irish Oyster Fisheries Act has.

5626. There is no restriction that the party should be a proprietor?—Not at all.

5627. Do you think that oyster beds would be a good security?—I think that there is a sufficient knowledge now with regard to oyster beds, and that there would be very few cases in which it would not be so.

5628. Who is the Scotch gentleman in Glasgow who would fit out a trawler, if he was allowed to trawl in Ireland?—Mr. William Petrie.

5629. Are there not trawlers in Donegal Bay?—There are one or two small ones, but they cannot be said to fish in Donegal Bay.

5630. Are they successful?—The boats are only two ton boats; the others were shut up on the north side of the bay; they used to fish there.

5631. What is the usual time for presenting the fishery reports?—They are presented very late in the year.

5632. Was the Report of 1863 presented later than usual?—I do not think that it was at all; it was rather a source of annoyance to me while I was connected with the Board, that we could not get in our reports earlier.

5633. There was nothing unusual in the Report of 1863?—Nothing whatever.

5634. Is there not a penalty at present for catching or having unclean salmon?—Yes.

5635. Could not that be enforced in the Slaney?—No, because you may catch the cleanest salmon in the close season. It is very hard to say what is an unclean salmon; but still those salmon may be taken in the close season.

5636. Have you heard of the difficulties with regard to the crews of boats, and that there is great difficulty in getting them early in the week?—Yes; and therefore I think that there should be some law to compel those people to go out.

5637. I think that you stated that the Claddagh men were the only improvident class in Ireland?—Yes, that is my impression.

5638. But is there not a very great contrast between the conduct of the English and the Irish fishermen at Howth?—There may be; Mr. Barry says that there is.

5639. Lord *Claud John Hamilton.*] You have stated that you consider that the difference of position between the English and the Irish fishermen is because in one case there is free trade, and in the other there is not?—I would rather not say that that is the only one thing; but I think that it is one of the causes.

5640. I suppose that you know that on the eastern coast of Ireland, fishermen come from England and the Isle of Man where there are no restrictions, but that on the western coast they do not?—That is merely for the herring fishing.

5641. Are you aware that many of the ports and harbours were so ill chosen as regards fishery purposes as to be of little use?—That is the complaint all over Ireland.

5642. You know the coast of Donegal?—Yes.

5643. Have you heard that on the coast of Donegal the piers are almost falling down?—I have generally heard so, and that in all the places the sites are very bad.

5644. What means would you suggest to prevent the piers falling into decay?—If the Board of Works have the power (as I believe they have) to compel the grand jury to present for the repair of these piers, I think that they ought to do so, and not to let them go into decay in the places where they are useful for the fisheries. In many places they are not at all useful for the fisheries, and they may go to decay.

5645. I believe that the Board of Works have never exercised their powers?—I believe not.

5645*. Mr. *Clive.*] When did the prohibition against trawling begin?—In October 1842. The Act of Parliament was passed in August 1842, enabling the Commissioners to make bye-laws to prohibit trawling, and in October 1842 the first bye-law was made.

5646. The bulk of those were not made for some years afterwards?—I believe that the next bye-law was in 1843.

5647. Were not some made as late as 1854?—Some were made as late as 1865.

5648. When do you say that they became general?—It is very hard to generalise them.

5649. But it was not for some years after 1842?—It was not for some years after 1842.

5650. As I understand, you attribute the failure of the Irish fishermen to three causes; first, to the withdrawal of the loans in 1830, subsequently to the famine, and thirdly, to trawling?—Yes.

5651. There was a period of from 12 to 15 years between the withdrawal of the loans and the prohibition of trawling?—Yes.

5652. How is it that they did not get on at that time, when there was free trade?—In 1830 they

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they first met with their great blow; the loans were then removed from them. From 1830 to 1842 you will find that they were going down the hill.

5653. Why?—They got such a blow, I suppose, from no encouragement being given to them by means of loans, that they had not sufficient boats or gear at that time.

5654. But elsewhere they succeeded without encouragement?—They succeeded in England, where you have much more private enterprise than we have, I am sorry to say, in Ireland; there are men here who will put their hands into their pockets, whom, unfortunately, we have not in Ireland; I speak of traders and men who will embark their capital even in uncertain speculations.

5655. You have spoken of personal security?—You can only have personal security for those small loans.

5656. Suppose a case like the Claddagh case, where the men really succeed, and drink their money away, and their nets and boats go to pieces, and they come for loans; what would you do in that case?—I would be very cautious about lending any man money who had not the best moral character as to industry and sobriety.

5657. Do you consider that a Government office, in granting loans, should go into the moral character?—They did so from 1826 to 1830; that was one of the principles upon which they made those loans, and it had a powerful effect upon the moral character of the men; for they knew that if they became drunkards, or did anything improper, their loans would not be renewed to them; I collect all that from the Reports of the Commissioners.

5658. Who is to be the inspector to report upon the drunkenness, on the moral conduct of a man who applies for a loan?—There are the coast-guard, from whom you can always get a certain amount of information as to a man's character.

5659. Do you not think that that would be rather inquisitorial?—If a man wants a loan of money he must subject himself to a great deal that is inquisitorial.

5660. Have you been in Clare Island?—No; I have spoken of Clare Island generally.

5661. You spoke of its being accessible?—Yes.

5662. Are you aware that, sometimes for a fortnight or three weeks together, no part of Clare Island is accessible?—I believe so.

5663. So that the Claddagh fishermen could hardly have gone there?—They might have settled there originally; I think that it was an unfortunate thing for the poor Claddagh fellows that they ever settled so high up in Galway Bay; it is all shallow ground.

5664. *Chairman.*] When you spoke of the coast-guard being employed with regard to the loans, did you mean that their action should be as informants only with regard to the stability of the parties?—Just in the same way as they are employed at present, with no authority to make loans, but as persons to consult with.

5665. Do you concur with the Inspecting Commissioner of Fisheries, as to the desirability of including in this Bill provision as to drift-nets not being interfered with by trawlers?—I think so; the drift-nets are very valuable; I never heard the trawlers complain of it; it is in the French Convention Act; it is the law on the coast of England, and I do not think that it would do any harm in Ireland.

5666. Then you would be in favour of the retention of that clause?—I would.

5667. Mr. Stewart, the late solicitor to the Board of Works, in his evidence before this Committee, stated that the clause in this Bill as to loans would invalidate the granting of loans for piers and harbours; with regard to the second portion of the 30th clause of the Bill, namely, "to any such persons as aforesaid, for the building of piers, cleaning or dredging harbours," and so forth, he said that if that came into operation, the Board of Works could not make any further free grants in aid of harbours; what is your opinion on that point?—I cannot understand why such was said. I can very well understand there being places, and I know of places in Ireland, where a proprietor might be very anxious to get a loan for the building of a pier, and where it would not be judicious or advantageous, it being almost the private property of a private fisherman, for a public board to make a grant on the individual subscribing one-third or one-fourth of the amount, because, in fact, he would be getting a pier for his own private ends at a very cheap rate.

5668. Then you consider that the portion of the present law as to making grants or loans for piers and harbours would work *pari passu* with the provision in the present Bill?—There is no doubt of it.

5669. In the course of your inspection, did you find that piers and harbours were built in most unsuitable places?—Almost invariably they were of no use to the fishermen whatever.

5670. They having been built frequently, I suppose, by a subsidy being obtained from the proprietor, who looked more to his own convenience than the benefit of the fisheries?—Yes.

5671. Is it not the case, that in some places where a subsidy from the locality cannot be got, fishery piers would be desirable?—Yes; I know cases where it would have been very much better for the Government to have given a grant of the same amount of money to have been expended in another locality, probably near the site where the pier has been erected; the proprietor wants it in a certain place, and it is not an eligible site for the public, and three-fourths of the expense is public money.

5672. With the view of amending and consolidating the existing Acts of Parliament with regard to the sea fisheries, do you consider that this Bill is such a Bill as Parliament ought to adopt?—I have gone through the Bill very carefully, and I think that it is a good Bill; and I think that, with the few exceptions which I have mentioned, it ought to be adopted.

5673. If you can furnish the Committee with information, to appear in the Appendix, as to what you consider to be the good fishing grounds and places where the fishing enterprise might be successfully carried on; the Committee will be glad to obtain from you a paper on the subject, and any other information which you can supply, with respect to the fisheries, which has not been elicited in the course of your examination?—I will do so with pleasure.

Friday, 5th July 1867.

MEMBERS PRESENT:

Sir Henry Winston Barron.
Mr. Blake.
Mr. George Clive.
Mr. Cooper.
General Dunne.
Lord Claud John Hamilton.
Mr. Herbert.
Mr. Maguire.
Sir Graham Montgomery.
Colonel Tottenham.
Colonel Vandeleur.

JOHN ALOYSIUS BLAKE, Esq., IN THE CHAIR.

THE Chairman read the following letter, which he had received from Sir Richard Griffith: 5 July 1867.

"20, Eccleston-square,
"Sir, "5 July 1867.

"HAVING read a portion of Mr. Barry's evidence before your Committee on Sea Fisheries, in which he states that I was in the habit of removing summarily from his reports any matter I pleased, and also that I gave orders that the Inspecting Commissioners were never to recommend any course which would be calculated to produce any expenditure; I beg to state, for the information of the Committee now sitting, that the only suggestion or order I ever made regarding expenditure was, that it should only come before the Board in a formal recommendation to be sent to the Treasury for consideration, but should not be introduced in a report to Parliament without having first obtained their sanction.

"With regard to the removal of any irrelevant matter from the report of the Inspecting Commissioners, my practice was to mark on the margin of the proof of the report given, 'Omit,' and this proof was subsequently submitted to Mr. Barry, and afterwards to the Board, before any decision was made.

"I regret that a serious accident has prevented my attending to give evidence before your Committee; and therefore hope that, under these particular circumstances, they will accept this explanation from me as a reply to Mr. Barry's evidence.

"I have the honour to be,
"Sir,
"Your obedient servant,
"*R. Griffith.*"

"John A. Blake, Esq., M.P.,
"Chairman,
"Select Committee
"Sea Fisheries (Ireland)."

Mr. JAMES REDMOND BARRY, called in; and further Examined.

Mr. *J. R. Barry.*

5674. *Chairman.*] YOU, I believe, desire to make a statement to the Committee?—What I wish to say will occupy a very few minutes. On, I believe, the last day of the meeting of the Committee there was a statement made by a witness, namely, Mr. Brady, which would appear to establish a discrepancy in the statement made by me on the first day of my examination; that statement is to be found in the 17th page of my evidence; it had reference to what I call a temporary suppression of a report of mine in the year 1863; I said, "I must say that I felt, particularly in that year" (namely, the year 1863), "that it was necessary to have the report at as early a period as possible, inasmuch as the subject of the fisheries was then under discussion before a Select Committee of the House." The Chairman then said, I am quite sure without any desire whatsoever to lead me into an error, but it most unintentionally led me into an error, "That was Mr. McMahon's Committee," and my answer to that was, "I speak of Mr. McMahon's Committee;" but, in truth, it appears that Mr. McMahon's Committee was in the preceding year, namely, in 1862; I however thought that as the subject was then under the consideration of Parliament I might regard it as an emanation from Mr. McMahon's Committee.

5675. You stated in your answer, "The next instance of what I would call a suppression, seemed to me to be a very important one;" and you proceeded to say, "Inasmuch as the subject of the fisheries was then under discussion before a Select Committee of the House;" my natural question then to you was, "That was Mr. MacMahon's Committee"?—Yes; if there was not a second Select Committee I was in error; but I only know that the subject was under the consideration of the House at the time, and I intended that those statements of mine, and the documents to which I particularly alluded, should come under the consideration of the House, while that subject was under discussion; but between the 27th of April and the 24th of July, I never saw or heard anything of my report, notwithstanding my having made frequent efforts to endeavour to have it sent forward.

5676. Mr. *Clive.*] Had you ever seen the report of Mr. MacMahon's Committee?—I have seen it.

5677. Had you then seen it; did you see it in the year 1862?—I did not.

 5678. *Chairman.*]

Mr. *J. R. Barry.* 5 July 1867

5678. *Chairman.*] You have stated to the Committee that I unintentionally led you into an error, but that error into which I unintentionally led you, was by reason of a previous error of your own, in which you referred to a Select Committee of the House; I was not carrying in my head at the time what the Select Committee was; but as there was only one Select Committee, I naturally concluded that it was Mr. MacMahon's Committee?—I thought that it was a revival of Mr. MacMahon's Bill; I made a mistake as to there being a Select Committee; my desire was that those who were then deliberating upon the question of the salmon fisheries should have an opportunity of seeing that document, and seeing some few proposals which I suggested in my report in April.

5679. General *Dunne.*] In fact, you mistook the Committee on the Bill for a Select Committee?—Precisely so.

5680. *Chairman.*] The Committee were always, as they are now, quite satisfied that you fell into an unintentional error as between one Committee and another, and they were anxious to afford you an opportunity of explanation, and they are quite satisfied with that explanation?—Precisely so. (*The Witness delivered in the document,* vide *Appendix.*)

The Honourable Bouverie Francis Primrose, called in; and Examined.

The Hon. *B. F. Primrose.*

5681. Sir *Henry Winston Barron.*] You are the Secretary of the Scotch Board of Fisheries?—I am.

5682. What is the constitution of that Board?—It is constituted under certain Acts of Parliament.

5683. What does it consist of?—It consists of 20 Commissioners, seven of whom are derived from the Board of Trustees for Manufactures and Fisheries in Scotland; a Board constituted by the Treaty of Union, and which, up to the year 1809, had charge of the fisheries of Scotland. That Board received an annual grant of 2,000 *l.* a year, 1,000 *l.* of which was laid out in the improvement of manufactures, and 1,000 *l.* in the improvement of fisheries, until the year 1809, when the Government determined still further to expand the fisheries; and for this purpose they formed a separate Fishery Board, granting bounties upon herrings and cod and ling; this Board consisted of seven Commissioners chosen out of the Board of Trustees for Manufactures, &c., whose number was increased from 21 to 28, in order to provide seven additional Commissioners as Commissioners of Fisheries. That began in the year 1809, since which time the herring fishery of Scotland has been managed by the Fishery Board as a separate Board.

5684. Are they a paid Board?—The Commissioners are unpaid; but the secretary, and the clerks, and the fishery officers are all paid servants of the public.

5685. How many years have you been secretary of the Board?—Since the year 1848; 19 years.

5686. Are you not, in fact, practically speaking, the managing man of the Board?—I am the executive officer of the Board.

5687. Can you undertake to say whether the fisheries of Scotland have increased or diminished since your first knowledge of them in the capacity of secretary?—I should say that the herring fishery has greatly increased.

5688. Have you any practical knowledge of the statistics connected with the other fisheries, the deep sea fisheries, or the larger fisheries?—I have not very much knowledge of them; there are certain returns of cod and ling rendered by the Board, but the fresh cod and ling pass out of our statistics altogether; we have no reliable access to that.

5689. Have you sufficient knowledge of the fisheries of Scotland to say generally whether the fisheries have improved or deteriorated during the last 20 years?—I should say that they have all improved.

5690. Can you give the Committee any idea of the benefit derived by the fisheries of Scotland from the action of your Board?—There is the benefit of a police superintendence by the Board, maintaining order amongst the fishermen and adjusting amongst them amicably a great number of disputes. It is a common practice with the master of our cutter (the Board has a cruising cutter) to form a jury of fishermen in case of a collision, or in case of damage being done to nets. A jury is formed, and the parties agree to abide by the decision of that jury, and the case is settled without going before a magistrate at all. Numbers of cases of that kind are so settled. There is no positive authority to do it, but it is done by the fishermen; parties who are assessed in the damage pay it over at once, and the matter is settled on the spot, and the parties go back to their fishing. Then as regards keeping the boundary of the coast, under the French convention, the coast of Scotland and the north-eastern coast of England are entirely committed to the Board, and the British fishermen are protected in their rights against the encroachments of French fishermen. There is, further, the construction of the harbours upon the coast for fishery purposes. The Board have constructed and repaired a great number of harbours, without which the fishing boats could not keep upon the coast and go to sea at all.

5691. Do you interfere in any way with regard to the nets and gear, and matters of that description?—Very greatly; there has been an immense interference in that respect. That interference was to some extent forced upon the Board, it not being the general opinion of the Board that the legislation introduced was advantageous to the fisheries; a Bill is now before Parliament altering all those prohibitions, and coming back to the original arrangement of allowing the herring fishery to be conducted with any net having a mesh of one inch from knot to knot.

5692. Do you interfere with the numbering of the fishing boats?—It is by the regulation of the Board that they are numbered, but they derive their numbers from the Customs officers.

5693. Do you think that a material part of your duty?—Very material.

5694. Could you suggest any improvement in your Fishery Board which would tend to improve its action in general, or the action of any other board which might be appointed for a similar purpose?—The greatest improvement, if it could be carried out, would be settling offences expeditiously and easily to the fishermen. The legal processes are extremely slow and expensive, and not very effectual after they are instituted, because there are so many subtleties of law. When the

the fishermen put themselves into the hands of lawyers the case goes from one to another instead of being settled on the spot. In that respect the Convention Act is superior to almost anything else, because it is instantaneous.

5695. Mr. *Maguire.*] How is it instantaneous; how does it act?—The boats are taken by the superintendent into port, and the men are at once brought before the magistrates, and the case is settled there and then.

5696. Sir *Henry Winston Barron.*] Do your Board interfere with regard to the police regulations; do they dictate to the police or do they order the police, or do anything of that character?—Not as regards the county police.

5697. I refer to the police regulations with respect to looking after the fisheries?—They are entirely conducted by the Board.

5698. Then I suppose from your statement that you think that an important portion of your functions?—A very important portion, and it has the advantage that we have a series of records and experience by which the Admiralty officers who are lent to the Board are greatly guided.

5699. Our object is to consider the Bill before us; supposing that a board, or a body of gentlemen were to be appointed to superintend the fisheries of Ireland, and to manage them, would you consider it necessary to have so large a board as yours is for such a purpose?—Certainly not.

5700. And besides that, your Board is unpaid?—It is unpaid.

5701. Do you not think that a small board of, we will say, three members would be more competent, if always well chosen and paid, to conduct such an operation than a numerous board of unpaid gentlemen?—I should say that it would be much better.

5702. Would you invest that board with a power to make bye-laws for the management of the fisheries?—I would invest a paid board with that power.

5703. And you would entrust to them the various details of the fishery business, which it would be too numerous to enter into?—I would give it to them entirely.

5704. Would you give that board control, as regards the fisheries, over the harbours and the different landing places used by fishermen?—I would.

5705. Would you give them power, under the control of the Treasury, to repair those places already constituted, or which should hereafter be constituted?—Yes, and I would go further; I would give them power to rate the boats for the maintenance of their piers, like the light-house tonnage dues.

5706. And you would give them power to carry out any Act of Parliament which now exists in Ireland for the repair of piers or harbours which have already been constituted, or which may hereafter be constituted?—I would.

5707. The grand juries of counties in Ireland are put, under certain conditions, to repair the piers and harbours which have already been constituted, and we have had evidence before us that some 20 or more of those piers are in a very dilapidated state; would you give the Commissioners or the Board, or whatever they may be called, power to enforce that Act of Parliament; in other words, to compel the grand jury to do their duty?—Certainly; I would give them supreme power over the fisheries.

5708. Do you think that it would be a material point to require the Board or Commissioners to furnish annually to Parliament the statistics of the fisheries?—It would be of great consequence if they could get them.

5709. As far as they could?—As far as they could.

5710. Of course, it would be impossible in very small places?—Yes.

5711. How could you suggest that they might be generally obtained?—That is a difficult point.

5712. Do you know anything of the working of the Irish fisheries at present?—I cannot say that I do.

5713. Do you know that the coast-guard in Ireland is, to some extent, used in promoting the fisheries of Ireland?—I have understood so.

5714. I do not pretend to say that you are to give positive evidence, but would it not be possible, *primâ facie*, to suppose that the coast-guard might give some important evidence in statistics upon that point, though it might not be perfect?—They might give a great deal of evidence; I would suggest, whether the boats could not be made to render a return of their fish.

5715. I think that that is a valuable suggestion?—We obtain the statistics of our cured herring trade entirely through the provisions of our Acts of Parliament, and I have often thought that, supposing Parliament gave the power to collect the statistics of fresh fish, it might be done without hardship upon the boats; but without an Act of Parliament you have no power to do anything.

5716. I hold in my hand a return which was made to Parliament, stating that within the last 10 years there has been 110,000 *l.* granted by Parliament for fisheries in Scotland, besides the sum of 30,000 *l.* for the erection of piers, or quays, making altogether 140,000 *l.* Can you give us a short outline of how that sum has been, generally speaking, expended in the promotion of fisheries. The piers and harbours will speak for themselves?—That is 3,000 *l.* per annum for the piers and harbours, that disposes of 30,000 *l.*

5717. Then there remains 110,000 *l.*, which I supposed passed through the hands of your Board, it being on an average 11,000 *l.* a year?—Our annual estimate for salaries and pensions is 7,166 *l.* 10 *s.* Then there are general service items, amounting to 5,500 *l.*; these are subdivided into travelling and incidental expenses 1,000 *l.*: law expenses, 500 *l.*: police (that is a body of police taken up under the Police Act of Scotland, and paid by the Board, they being extra police), 1,000 *l.*: printing and stationery, 150 *l.*: assessments, 250 *l.*: miscellaneous items, 350 *l.*: which are office expenses and other things of that kind; then there is the marine department, namely, a cutter and boats which we have on duty, there being separate boats at different stations, 1,800 *l.*; harbour inspectors, 350 *l.*; postages and incidents another 100 *l.*, which altogether make up 5,500 *l.*, and the total multiplied by the number of years would, I think, about bring out the amount of 110,000 *l.*

5718. Mr. *Maguire.*] It makes 12,600 *l.*, according to you?—Yes.

5719. General *Dunne.*] That is the annual expenditure in Scotland?—Yes.

5720. Sir *Graham Montgomery.*] But there is to come off that sum the money received for the branding of herrings?—Yes.

5721. Sir *Henry Winston Barron.*] Does the brand money go through your hands in any way; does

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does it come to you, and do you pass it over to the Treasury?—It is all collected by me, and it is paid to the Consolidated Fund.

5722. Then in reality you only get the Parliamentary grant?—Yes.

5723. The amount of the brand money is 32,000 *l.* odd for eight years?—Yes, it is 32,757 *l.*

5724, And the amount granted by Parliament is 110,866 *l.* for the 10 years?—Yes.

5725. A similar grant to Ireland for the same period amounts to 12,360 *l.*?—It so appears by the return.

5726. Under your system the fisheries of Scotland, you state, have greatly improved?—All fisheries have improved, but the herring fishery has very much improved.

5727. Have you read the Bill which is now before this Committee with reference to the Irish fisheries?—I cannot say that I have. I received it some time ago, and looked at it, and passed it into the hands of our law agent, and the master of our cutter, and I have lost sight of it; I could not get it again.

5728. In your evidence before the Royal Commission, you stated that your fishermen in Scotland were allowed to catch herrings in any way that they liked, but that they might not use any net with a mesh, which was prohibited?—That is not the case at present, it will be the case immediately, I hope.

5729. Question 26,429 in the Report of the Royal Sea Fisheries Commission 1866 is, "Does it make it penal to use any net except a net having an inch mesh?" to which the answer is, "They might use the seine net, or any other net, provided it had a mesh of one inch from knot to knot"?—That answer is governed by the preceding question; the preceding question is, "Does that Act merely empower you to grant a bounty under certain conditions, or does it enable you to interfere with persons catching herrings in any other way?" The question alludes to the original Act, 48 Geo. 3, c. 110; it does not relate to the condition of the herring fishery at the time when those Commissioners made their examination.

5730. It is rather obscure in the way in which it is put here, if that is the case?—Question 26,428 is the question which I have read; and then the next question, "Does it make it penal to use any net except a net having an inch mesh?" relates equally to the Act 48 Geo. 3, as does my answer, "They might use the seine net, or any other net, provided it had a mesh of one inch from knot to knot." For so they might at the time of the passing of that Act, but then the Act 14 & 15 Vict. c. 26, put a stop to that.

5731. I will now come to Question 26,446, which is, "What further powers does it give to you?" that is, the Act of 1860, and your answer is, "It gives the Fishery Board power to interfere with other fishings for the protection of the herring fishing?"—The Act of 1860 does.

5732. Have you carried out that in your operations by your Board?—Only once, and after a short experience we gave it up.

5733. Then, if I rightly understand you, the Act of Parliament on that point is inoperative; it is not carried out?—It has not been carried out, because in that one experiment which we made, we found it so objectionable that we did not go on with it, and the Bill which is now before Parliament, and which is on the eve of becoming an Act, takes away the power; it cancels that section of the Act.

5734. I see that another power is given to your Board by the Act, "to prohibit on the coasts of Scotland, and within such limits, and for such periods as they may think fit, the use of any trawl, drag, or beam net, which, in the opinion of the said Commissioners, is injurious to the spawn, or otherwise to the herring fishery"?—Yes.

5735. Has that been carried out?—It has been carried out most rigorously as respects trawling for herrings; but the word "trawl," in relation to fishing for herrings, is not meant to apply to the heavy beam trawl for catching flat fish and cod, and all that sort of fish, but it applies to the circle net for herrings.

5736. Is the heavy beam trawl to which you allude used on the coast of Scotland?—Yes, it is coming in everywhere.

5737. Have you interfered with it, or have you the power of interfering with it?—We have the power at this moment, but probably by the end of next week we shall not have the power; we derive the power from the 6th section of the Act of 1860, which is on the eve of being repealed; but there it would only be governed by the herring fishery; we have not an absolute power of suppressing beam trawling, but only in relation to its interfering with the herring fishery.

5738. Question 26,452 is, "Let me put a case to you, so that my meaning may be quite clear; for example, here is an article, the 24th, which says, 'trawl fishing is forbidden in all places where there are boats engaged in herring or mackerel drift-net fishing'"?—That is the heavy beam trawl.

5739. Will you be deprived of that power under the Act which you say is about to be passed?—Not at all; that power will remain just the same, being derived not from the Herring Fishery Acts, but from the Convention with France. The confusion arises from the misuse of the word "trawl" at the Scotch Herring Fisheries.

5740. In Question 26,487, you are asked, "I understood, from a passage in one of the later Acts which you read, that you have a full and rather an extensive power of making bye-laws," and you answer, "Yes, we have a very extensive power." Do you think that that power is a necessary power?—I think that, constituted as the Scotch Fishery Board is at present, it is a very objectionable power; but with a paid Board of a few commissioners, it might be a very beneficial power, and certainly ought to be given to such a board.

5741. General *Dunne.*] Do you think that bye-laws should be made in concert with the local people, or totally and absolutely by the board itself?—In concert with the local people.

5742 Then you think that there should be bye-laws for each locality, and not a general system?—Not a general system.

5743. Sir *Henry Winston Barron.*] Will you look at Question 26,557, in evidence which you gave before the Royal Commissioners; you are there asked, "Then the more narrow restrictions which have been imposed of late years have not been established at the suggestion or wish of the Board, but have really been enforced upon them *ab extra*?" and you answer, "Certainly; but then I must state that the opinion of the majority of the practical men engaged in the fisheries is the other way; it is quite in favour of

of restrictions." What do you mean by the restrictions being forced upon you?—They were forced upon us, by the Act leaving to the Board no discretionary power; these restrictions were not bye-law restrictions, they were restrictions under the wording of the Act of Parliament.

5744. Is it your opinion that restrictions of that character imposed by an Act of Parliament are often dangerous to practical men?—Exceedingly dangerous to practical men.

5745. Then is it your opinion that these powers of making bye-laws would be better left to practical men than laid down dogmatically in an Act of Parliament?—Certainly, they should be left free and flexible.

5746. I now come to Question 26,603; the question is, "The other functions of the board might be described as promotive of the prosperity of the fishing interest, such as building piers and harbours, renewing and restoring property." And your answer is, "Yes;" do you consider that in promoting fisheries either in Scotland or in Ireland, a power of that description would be very usefully conveyed to a board or a body of Commissioners?—Certainly.

5747. The rule in Ireland is, that generally speaking one-fourth of the money necessary is required to be contributed by the locality, and that the other three-fourths are a free grant by Parliament; do you consider that a useful power to be left as it is, untouched?—I would leave it untouched, unless you had a paid board. If you had a paid board I would leave it free also.

5748. My question rather applied to the principle of one-fourth being contributed by the locality, which to some extent would, generally speaking, convey to those who have looked into these matters, a proof of the want of such a building, whether a pier or a harbour, or whatever it may be, in the locality; because there are, I am afraid, in all parts of the world, men who will ask for money and will take money without being willing to contribute to the object themselves; but if you demand one-fourth from the locality, and only ask three-fourths from Parliament, there is some guarantee to the public that the work is a useful and necessary construction?—As a satisfaction to the public for giving their money, it is a beneficial regulation, but it very often operates exceedingly unfavourably. There may be very destitute places which might be raised out of their destitution, if the action was absolutely free to give them a pier and to develope the fishery there.

5749. Would you not think the present system, as I have mentioned it, a better system than that of having no power to build piers or harbours, except by borrowing money on certain securities?—I would go every length to build piers and harbours, in order to develope the fisheries.

5750. My question is directed to a clause in the Bill which is now before us; it is stated in clause 30 of the Bill that power will be given to persons to borrow money for the purpose of piers and harbours; at all events the present system of public money being granted is to some extent satisfactory when a certain portion of the money is advanced by the locality?—It is.

5751. *Chairman.*] The operations of your Board are, I believe, entirely confined to the herring fishery, and you are constituted only for the purposes of the herring fishery?—Exactly so.

5752. I believe that you do not interfere with any other description of fishery, save so far as you consider that it might interfere with the herring fishery?—We do not; we collect statistics of the cod and ling fishery, but we do not interfere with that fishery.

5753. Then the other fisheries of Scotland are left completely free, save so far as you may consider that their operations might interfere with the herring fishery?—Yes.

5754. One chief part of the duties of your Board is with regard to the branding of herrings?—Yes.

5755. And the powers of your Board extend into England for that purpose?—They do.

5756. If that particular cure was carried on in different places in England, you would have jurisdiction in those places?—We should have jurisdiction immediately.

5757. The whole sum granted to your Board is about 12,000 *l.* to 13,000 *l.* a year?—The sum in the last estimate is 15,666 *l.* 10 *s.*

5758. Out of that you must spend 3,000 *l.* upon piers?—Yes.

5759. And the remaining 12,000 *l.* goes for other fishery objects?—Yes, including pensions.

5760. Do you give any free grants whatever for the construction of piers and harbours without the locality subscribing anything?—The Act requires not less than one-fourth, and we generally get it up to two-thirds.

5761. Do you at present give any amount for the repair of poor fishermen's boats and gear?—Not at present; it has been discontinued since the year 1850.

5762. In your opinion was that a desirable assistance to give?—It was upon my recommendation that it was given up; we had the power of subdividing that 3,000 *l.*, which is voted under an Act of Parliament, and of apportioning 500 *l.* of it to the boats of poor fishermen, but this application of the 500 *l.* was found to work so ill that it was given up, and the entire grant taken for piers and harbours.

5763. That was a free grant to the fishermen?—Yes.

5764. If it took the form of a loan would you think it desirable?—I would not in Scotland.

5765. When you erect a pier or a harbour, in what way is it afterwards repaired?—It is either repaired by the proprietor, or it is allowed to go on, and then he comes back to us, and obtains a further grant from us for repairs.

5766. Do you, in some instances, continue to repair the harbours which you have erected, out of the public grant?—We scarcely continue to repair them; the wants of the country increase, and they come forward for an extension of the pier, and in the course of the extension a repair is put upon the old pier.

5767. If a pier becomes deteriorated in course of time, and the proprietor will not repair it, will your Board repair it?—No, not unless the parties come forward locally with money; we cannot do so, and accordingly one or two of the piers have fallen into the sea.

5768. If some local aid be given towards repairs, your Board will supplement that by an advance of their own?—Yes, but we always execute the work.

5769. Do you approve of the branding system; do you think it useful to the Scotch fisheries?—It appears to have been very useful to the foreign trade.

5770. In addition to your branding inspectors,

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have you any general inspectors for overlooking the herring fisheries; in each locality you have an inspector for the purpose of branding; are there any inspectors to look over these branding inspectors, and to look over the fisheries generally?—We have the fishery officers, and some are moved from their own stations to the branding stations as branding is required.

5771. Have you any travelling inspectors?—Yes, we have two travelling inspectors; the general inspector and the assistant inspector.

5772. In addition to the operations of your Board in assisting the Scotch fisheries, is there not a British society for the encouragement of fisheries, the whole of whose operations and funds are confined to Scotland?—There is the British Fishery Society; but the whole of their operations are confined to the harbour of Wick; they have ceased to act upon the coast at all.

5773. But they did so for some time?—Yes; they had one or two places, but they have now concentrated themselves at Wick, where they own considerable property on shore, and are engaged in building a large extension of the harbour; beyond this, they are not directly concerned with the fisheries.

5774. In their former operations, did not they expend a good deal of money?—I do not exactly know what they did.

5775. Their operations are now altogether confined to the harbour of Wick?—Yes.

5776. Sir *Henry Winston Barron.*] In explanation of an answer to a question put by the honourable Chairman, have you not another duty, according to your own evidence, namely, the receiving and restoring of lost fishery property; I believe that that comes under your cognisance?—Yes.

5777. Is not there likewise another duty, namely, that you have to carry out, and to see carried out, the fishery convention with France?—Yes.

5778. And you have the management of the piers and harbours of Scotland, so far as the fishery is concerned?—So far as the fishery is concerned; my answer to Question 26,073 in the evidence before the Royal Commission, at page 576, gives the exact duties of the Board.

5779. Mr. *Herbert.*] To what cause do you attribute the improvement of the fisheries in Scotland?—I attribute it to the care which has been bestowed upon them by the Board as regards the herring fishery, and to the development of railways, and the improvement of harbours, and the general improvement of communications.

5780. You stated that there had been an improvement in all descriptions of fishing; I want to know more especially with regard to the other classes of fishing besides the herring fishing?—I attribute the improvement to the improved size and construction of the boats, and the greater quantities of fish.

5781. Are the majority of fishermen in Scotland trawlers?—No.

5782. They are long-line fishermen?—Yes.

5783. What is your opinion as to trawling generally in shore, in the bays and estuaries; do you think that it is a good mode of fishing or not?—I do.

5784. Do you think that it would interfere with the long-line fishermen?—I think that it must interfere with the long-line fishermen.

5785. In what way?—By the trawl fouling the long line.

5786. In Scotland, from what you have seen, do the trawlers and the long-line fishermen fish on very much the same ground?—Yes, on very much the same ground.

5787. In fact, you would not agree with the evidence which was given to us, that the long-line men fish in entirely different ground from that which the trawlers frequent?—Not entirely, but the trawlers in Scotland are not like the trawlers on the coast of England. We have not the same trawling with heavy beam trawls; it is chiefly by boats, with light beam trawls, and they do occupy very much the ground which is occupied by the long-line fishermen.

5788. And they do interfere with the long-line fishermen?—There are certainly complaints.

5789. With reference to the fish, do you think that trawling in the bays and estuaries kills more fish than ought to be killed, or not?—I do not think that it hurts the fish.

5790. Do you think that the trawlers disturb the spawn, or kill many of the fry?—They kill a great many of the fry.

5791. Have you ever been on board one of the trawling boats?—Yes.

5792. Can you recollect what class of fry came up, whether there were different kinds or whether it was all of the same kind?—It was of every kind; the trawl takes up everything.

5793. Those fish would be spawning along the shore at particular times; was there any particular class of fry predominating over the other class?—I am not quite sure that I could say that there was.

5794. Did your Board ever grant loans to fishermen?—Never; there was no power to do so.

5795. Do you think that it would be a good thing if the Board did so?—I am inclined to think not.

5796. Why?—In the first place, I think that you would have great difficulty in getting repayment, and it demoralises the men; I think that the more a fisherman is made to trust to his earnings by keeping his boat and gear in order, the better.

5797. In fact, you do not think that the fishermen round the coast of Scotland would be able to repay any loans, supposing that they were made?—There is a system of loan, as between the employer and the fisherman on the coast of Scotland.

5798. But I am talking of loans by the Government?—I think that the men might be able to repay them, but I think that they would not do it.

5799. Your Board, I believe, is entirely for the salt water?—Yes.

5800. Do you think that it would be a wrong thing to amalgamate the fresh-water board and the salt-water board together?—Our Board is not constituted to take up the fresh-water fishery.

5801. Do you think that they could work properly together?—I see no reason why they should not.

5802. Sir *Graham Montgomery.*] With regard to the expenses of the marine department, how many steamers have you now?—We have only one cutter of our own maintained, and then we have the loan of Admiralty steamers, according as they can let us have them.

5803. Do the coast guard give you any assistance?—Not the coast guard, as coast guard, but we receive the assistance of the tenders of the guard ships upon the coast, under the orders of the

the Admiralty; that is to carry out the French convention.

5804. What number of police have you on your establishment?—We have a serjeant and 10 policemen, paid by the Board under the Police Act of Scotland.

5805. Are they stationed on the western coast?—Yes; we never had them until the Act of 1860, which Act is going to be repealed, but that force, or a portion of it, is still likely to be required.

5806. Will it be required, the restrictions on trawling being abolished?—Yes; it will be wanted for keeping the boats separate, so as to prevent the herring seine-net fishermen from injuring the drift-nets of the herring drift-net fishermen.

5807. Mr. *Maguire.*] You were asked by an honourable Member, to what you attributed the prosperity of the fisheries of Scotland, and you gave, amongst other reasons, the care devoted to them by your Board?—Yes.

5808. Your Board has now been in existence for very nearly 50 years?—Yes.

5809. Its entire attention has been devoted to its own branch?—Yes.

5810. You are in favour of a small paid Board?—Yes.

5811. Is any change contemplated of that nature?—I am not aware that it is; when I say a small paid Board, I contemplate such a Board taking charge of the whole of the deep-sea fisheries of Scotland.

5812. Do you approve of the system in Ireland, in which the fishery department is a branch of the Board of Works?—I do not know how it works; I have no experience of it.

5813. Do you see any reasonable connection between a Fishery Board and the Board of Works?—I always understood that the Board of Works in Ireland was a general Board for everything, something like the Board of Trade; I thought that the Board of Works was in direct communication with the Secretary of State for Ireland.

5814. Do you think that a Board ought to devote its entire energies to one purpose?—I think so.

5815. Do you think that the promotion of the fisheries, either in Scotland or in Ireland, is such an important matter that it ought to engage the attention of an independent Board in each country?—I think that it would be greatly to the benefit of the fisheries if they had it.

5816. And you find that the fisheries in Scotland have prospered in consequence of the undivided attention of your Board being given to them?—I have no doubt of it.

5817. You have said that from time to time you have established juries of fishermen for the purpose of settling questions in dispute between the fishermen themselves; will you explain a little more in detail, under what circumstances those disputes have arisen, and how they have been settled?—They have arisen from one boat running down another, for instance, or from one set of nets fouling another and cutting.

5818. These cases are likely to arise every day?—They are likely to arise every day and every night; they are constantly arising.

5819. And you find it more advantageous to have those matters referred and settled in the mode which you have described, than to have them settled before a magistrate?—A great deal more advantageous.

5820. Do you find any difficulty at present in persuading the men to refer their disputes to that tribunal?—On the contrary; that is one of the advantages of having a Fishery Board vessel on the spot; that vessel being a Government vessel, her master sends for the crews of the two boats in dispute, who attend the summons, and the thing is settled on the spot—actually on the water, and they resume their fishing.

5821. Then those persons who are on board the Government vessel are made the tribunal?—They are not made the tribunal; the master attends, and is like an assessor or arbitrator.

5822. I do not understand how the jury of fishermen which you speak of is formed; is the matter referred to a jury formed of the fishermen themselves?—The master of the Government vessel proposes to the fishermen that they shall send, say, two from each crew, to listen to the case, and he sits as assessor, but he does not decide the case.

5823. Are not those parties who are to constitute the jury directly and personally interested in the matter in dispute; how can they become so impartial as to sit as jurymen to decide a question of that kind?—In most cases the jury is selected out of the crews of other boats who were on the ground, and saw the transaction.

5824. When that system was first suggested to the men, did they object to it?—I never knew them object to it.

5825. They are very glad of some means of avoiding the annoyance and expense of going before magistrates?—They are very glad of it, indeed.

5826. Do you think it possible that any system of the kind might be adopted in Ireland?—I think that it would be very easy to adopt it.

5827. Would you give any power to the Board with regard to such a tribunal?—I would have a cruising magistrate on the spot to conduct such things.

5828. Have you not a very large machinery for inspection; you have inspecting officers?—We have.

5829. And you have boats at your disposal, and you visit various parts of the coast?—Yes, to some extent.

5830. Do you find that useful?—It is of the greatest possible use.

5831. Would it be an advantage to have increased powers of inspection and visitation in Scotland?—I think that it would be a great boon to have an increased number of vessels belonging to the Board, and not belonging to the Admiralty.

5832. You think that it would be of great value to have an increased facility of inspection and supervision?—Certainly.

5833. I suppose that you think that it would be impossible for any one Fishery Commissioner or Fishery Inspector in Ireland to inspect the entire coast of Ireland?—He could inspect the entire coast of Ireland if he had a cruiser to do it with, and also with the assistance of railways.

5834. Would you be in favour of placing as many inspectors as were necessary for the proper supervision and inspection of the coast, at the disposal of an Irish Board; would it be useful?—Very useful.

5835. Do you think it necessary for the progress and development of the fisheries?—I think that it would be a great advantage.

5836. You have stated that the system of granting assistance to boatmen in Scotland was given up in 1850; was there any time within

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your recollection when assistance was necessary to the Scotch fishermen?—It is necessary to them in one sense; that is to say, that their boats get out of repair, and they want assistance.

5837. The fisheries of Scotland are more profitable than they were?—Yes.

5838. They are increasing every day?—They are.

5839. And the men can rely upon themselves?—Yes.

5840. But supposing that the boats are destroyed by circumstances over which these poor people have no control, would you not think it wise to come to their assistance?—Yes; I think that there might be particular cases in which it would be so.

5841. Supposing that a famine swept away the boats and gear, and the means of these poor people, would you think that assistance could then be judiciously given to them?—Certainly.

5842. You would not say that the same rule would govern a different state of things?—Certainly not.

5843. You coming from Scotland, where the fishery is prosperous, and is ever increasing, would not apply the same principle to Scotland as you would apply to Ireland, which is differently circumstanced?—No.

5844. I am requested to ask you whether you think that the money, if lent, would be repaid; is it not likely that an honest and enterprising man, whose great object is to have a boat for his livelihood, would repay the money?—They treat Government money differently from anything else.

5845. Supposing that the security of an intermediate party was given, do you not think that the money might be recovered?—I think that it might be recovered, and that under certain circumstances it would be repaid.

5846. If it was lent, you think that it would be necessary on the part of the man, and that it would be repaid?—Yes. In 1847, in the case of the Highland destitution, grants were made, and they were very useful.

5847. That case is analogous to the Irish famine?—Yes.

5848. Colonel *Tottenham.*] Were the grants in 1847 made for fishing purposes?—They were made for the purpose of supplying nets, hooks, lines, and other things to the Highland fishermen; there were two grants; there was 1,500 *l.* for this purpose, and 1,500 *l.* for the further improvement of piers and quays over and above the annual 3,000 *l.*

5849. Mr. *Maguire.*] Have you the power of deciding as to the site of a pier, and as to its peculiar construction, so as to render it available for the intended purpose?—We have entire power; the pier is given up to us for construction either by the proprietor, or by the promoters, whoever they may be.

5850. As a general rule, have those constructions fulfilled their intended object?—As a general rule they have.

5851. They have been wisely selected as to site and judiciously constructed in form?—For some years we were a little unfortunate as to our engineer, but of late years we have employed more eminent engineers, and have been more fortunate.

5852. Do you find the piers of great service in protecting the craft of the fishermen?—Of immense service.

5853. Do you not think that that is a most important expenditure?—The most important of any; but our grant is a great deal too deficient.

5854. Colonel *Vandeleur.*] I think you have stated that the boats which are used in Scotland are generally open boats?—Yes, they are generally open boats on the eastern coast, but the best fishing boats there are getting larger.

5855. But generally they are open luggers?—Yes.

5856. Do you find that those boats stand the sea well?—Very well indeed.

5857. Are those boats used in many of the creeks round the coast, or do they only frequent particular ports?—They are used in all the small creeks round the coast.

5858. What is the cost of a boat of that kind?—The cost of a first-class boat would be nearly 100 *l.*

5859. Mr. *Maguire.*] Of what tonnage would a boat costing 100 *l.* be?—She would be about 25 tons to 30 tons.

5860. Colonel *Vandeleur.*] Is that the ordinary class of boat?—That is the size of a first-class herring-boat.

5861. If you go to the smaller class of boats, what are they?—They are very much smaller.

5862. What would they cost?—About 60 *l.* Perhaps 70 *l.* or 80 *l.* fitted out.

5863. You stated that in Scotland the principal fishing was herring fishing; is there much cod and ling taken?—There is a good deal of cod and ling.

5864. Do they cure it?—Yes.

5865. In what particular part?—In Shetland, Orkney, and the Island of Lewis.

5866. That is in the islands?—Yes. There is not a great deal of cod and ling cured on the main land; there is some at Fraserburgh, and off Montrose, and at Skye.

5867. After the herring season is over, to what do the boatmen generally apply themselves?—To the small line fishing, to the haddock fishing, the flounder fishing, and the long-line fishing at sea.

5868. Do they generally hold land or not?—A great number hold land on the western coast, but not on the eastern coast.

5869. It has been rumoured that the branding system is to be done away with?—I am sorry to hear it.

5870. Its abolition is recommended by the Royal Commission?—It is; the branding system is a great advantage to the foreign trade.

5871. You know that considerable complaints are made in Ireland, and rather justly, that if the brand is used in Scotland to give quality to their fish, it ought to be equally applied to Ireland?—I have heard that.

5872. And that the Irish fishermen have a cause of complaint, that their herrings not being branded do not fetch so good a price in the market?—But has Ireland an export to the Continent in herrings?

5873. Sir *Henry Winston Barron.*] It is not large, but there is an export?—I was not aware that any were exported.

5874. Colonel *Vandeleur.*] Is it possible that the Irish herrings could be sent off to Scotland and branded there, and passed through?—I think not, because the fishery officers inspect the herrings through the whole process of cure, which they could not do if the herrings were cured in Ireland.

5875. General *Dunne.*] The branding would require a close inspection?—Yes.

5876. And a considerable number of officers?—Yes.

5877. Mr. *Maguire.*] Does not the branding pay its own expenses?—It more than pays its own expenses.

5878. Does not it return from Scotland 4,000 *l.* a year to the Treasury?—£4,000 a year on the average; it has exceeded that; the estimate of expense which was formed by the Commissioners of Inquiry was 3,300 *l.*, so much was set down by them on estimate as due to the expense of branding; the total amount of it was 3,300 *l.*, and we pay into the Treasury upwards of 4,000 *l.*

5879. General *Dunne.*] Do you think that the fisherman gets back the money which he pays for the brand; that the benefit of the brand repays him the tax?—It does not fall upon the fisherman, but it is paid by the curer.

5880. Colonel *Vandeleur.*] What is the tax?—Fourpence a barrel, and 2 *d.* a half barrel.

5881. Mr. *Maguire.*] What is the value of a barrel when branded?—It varies according to the market; it is about 32 *s.*

5882. General *Dunne.*] Then the curer pays 4 *d.* upon 32 *s.*?—Yes.

5883. Is not the branding well worth that?—We reckon that the additional value which it gives to the article on the Continent is 2 *s.* a barrel.

5884. Colonel *Vandeleur.*] The brand is protected by Act of Parliament?—Yes.

5885. There is a penalty for forging it?—There is; the brand is a derived thing; it is derived from the bounties.

5886. It is put upon the barrel by an officer appointed for that purpose, and any person counterfeiting that brand is liable to a penalty?—He is liable to a penalty.

5887. Therefore it protects the fish?—It does; one of the most remarkable features of the brand is, that originally it showed that the fish were of a quality to receive a bounty of 4 *s.* a barrel, which was paid by the Government to the owner of the herrings. After the bounty was abolished, the brand was allowed to remain, to indicate the quality of the fish, and now the process has gone round the circle, and instead of the curer receiving money from the Government, he pays it to the Government.

5888. You have nothing to say to oyster fisheries?—No.

5889. You have oyster fisheries?—Yes; considerable oyster fisheries.

5890. But you are not conversant with them?—Not sufficiently to give evidence; but I know that they might be more extensively developed.

5891. General *Dunne.*] Can you state what is the annual value of the herrings which are caught in Scotland?—The value must be very great; we have cured as many as 830,000 barrels of herrings in one year. If you put them down at 30 *s.* a barrel to shorten the sum, you will find that it comes to a great deal of money.

5892. Those are cured herrings alone?—Yes; it is throwing out of consideration the whole of the fresh trade in herrings.

5893. Have you any idea of what is the value of the fresh trade in herrings?—It is very difficult to get, but it is very large; I think that you may take it at 250,000 barrels; the fresh fish would perhaps be worth 25 *s.* a barrel. If you put the cured fish at 30 *s.*, it is rather a low price, you should take them at 32 *s.*

5894. The quantity has been increasing for some years?—The 830,000 barrels was in the year 1862; we have not got so many fish since. That was a remarkably fine fishing season, but the curing always keeps pace with the fishing. The average cure may be put down at 700,000 barrels.

5895. I think you say that your Board is formed under the Act of Union for Scotland?—It is derived from the Act of Union, but the Board, as constituted, can hardly be said to have been formed by the Act of Union; it was rather formed by the 48th Geo. 3, c. 110, in the year 1809.

5896. But the form of it could only be changed by an Act of Parliament?—Just so.

5897. And you think that it might be improved by having a smaller number?—I think very much.

5898. There is no idea of such a change at present?—I am not aware of it.

5899. Do they generally keep the provisions of the Treaty of Union in Scotland, in those things?—I think that the Government generally respect the Treaty of Union.

5900. You have, I think, a certain sum of 3,000 *l.* a year, under an Act of Parliament?—Yes.

5901. What is that Act?—The 5th of Geo. 4, c. 64.

5902. Was any part of the Act, with respect to bounties, repealed?—The bounties were repealed by the same Act, and the 3,000 *l.* a year for Scotland was confirmed by that Act, and 5,000 *l.* a year was given to Ireland. That Act passed in 1824, but we never got our money till 1828, and on asking for the amount which was due between 1824 and 1828, it was refused, because, they said, that we ought to have asked for it, so that we lost four years' money by not asking.

5902.* Which is your largest fishery establishment in Scotland?—Wick.

5903. Have you a captain superintendent there?—No; we have two fishery officers, and we send additional officers at the time of the herring fishery. Captain Rutherford is not connected with the Fishery Board, but with the British Fishery Society.

5904. He has nothing to do with you?—No.

5905. Have those officers the duties of police magistrates?—Under the Acts they have the power of keeping order.

5906. How can they enforce it?—They cannot enforce it alone without other assistance.

5907. They must do it by the assistance of the magistrates?—We send a cutter and a boat's crew, and that is the way in which they keep order.

5908. Have you power to do so under your own Act?—Our superintendents have power, but they have to bring the fishermen before the magistrates.

5909. Their aid is necessary to apply the law?—Yes.

5910. The fishermen are generally, I believe, very well behaved?—They are.

5911. Colonel *Vandeleur.*] How do your fishermen work in the boats; is it by wages or by shares?—Generally speaking they are engaged to the curer to supply so much fish to him in the season; and upon that engagement, which is made early in the year, the curer gives them an advance of money to fit out their boat. There is what is called a bounty system from the curer.

5912. They are paid in advance?—They are paid

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paid a certain sum in advance to fish so many crans. We will say that they are engaged to the curer to fish 200 crans in the season, and as soon as they have fished that quantity they make a new engagement.

5913. If there is a bad season, how is the bargain enforced?—It can only be enforced by the curer bringing the fisherman before the sheriff.

5914. General *Dunne.*] In the ordinary course of law?—Yes.

5915. Colonel *Vandeleur.*] It is not looked upon as a partnership?—No, but it is looked upon as an engagement.

5916. An engagement to catch a certain quantity of fish?—Yes.

5917. Suppose that the season is bad, and that the man cannot catch that quantity of fish?—The loss sometimes falls upon the curer, and sometimes it is carried to account against the next season.

5918. General *Dunne.*] Did I rightly understand you to say that the piers in Scotland are repaired by a tax on the fishermen?—No, not by any tax on the fishermen. What I said was, that I should like to see a rate levied on boats, in order to maintain piers and harbours.

5919. Do you think that that would be a fair thing?—I think that it would be an excellent thing.

5920. Do you think that it would be an unreasonable burthen on the fisherman?—Not at all.

5921. Would you throw any part of it on the shore bordering upon fishery stations?—I would.

5922. To a certain extent, within a given distance, I suppose you would think that the country would benefit sufficiently to warrant a rate being specially placed upon it?—I would throw the rate on a certain district, and I would levy a rate on every boat entering that district.

5923. You have said that the coast guard might lend assistance in collecting statistics?—Considerable assistance.

5924. Do you think that, consistently with the duties which they have to perform, they could do very much more than that, or that they could be relied upon to perform this extra duty?—I think that they could be relied upon for statistics of fresh fish at the stations they occupy.

5925. Do you think that they could also be relied upon for superintendence?—Not so much for superintendence. My reason for saying that is, that I think that the interference of naval officers not conversant with the fisheries, and not directed by persons who are conversant with the fisheries, is very injurious, instead of being beneficial to the fisheries.

5926. Are they not constantly changed?—Yes; and they would be apt to carry on the fisheries upon the naval system, which I do not think would work beneficially to the fisheries.

5927. It would be irksome to the fishermen?—It would.

5928. By the "naval system" you mean too strict a discipline?—Too strict a discipline, and too sharp an exercise of power.

5929. Have you found any trouble with the French boats coming on your shore?—A great deal of trouble at times.

5930. Has it not caused a great deal of contention?—A great deal of contention among the fishermen.

5931. Then, if the French boats were away, could not the fishery be carried on a great deal more easily?—Yes.

5932. If the convention did not authorise their being there, you would not advise their being authorised to be there by a new convention?—They are not there by the convention; they are there by the right of every nation to the high seas; the convention preserves our national boundary.

5933. What is the boundary?—Three miles.

5934. Then they cannot come within three miles?—They cannot come to fish within three miles.

5935. With regard to loans, you think that it is possible that in some instances they might be made?—Yes.

5936. Would it not require great caution, and would it not be necessary to know the character of the fisherman to whom a loan was about to be made?—It would require a good deal of caution and investigation.

5937. Must not that be conducted by local persons?—Certainly.

5938. No central Board could work it?—Certainly not. With regard to the value of the boats, I stated that the value of a first-class boat was 100 *l.*; I did not mean fitted out; you must double that sum for a boat fitted out with spars, sails, and oars complete; I meant the hull alone.

5939. Mr. *Maguire.*] That is very cheap, is it not?—Yes.

5940. Mr. *Cooper.*] Would she be a half-decked boat?—She would have hatches; she would be partially decked.

5941. And she would be a seaworthy boat?—Quite seaworthy.

5942. I suppose that you take some credit for your management in the improvement of the fisheries?—I flatter myself that I may do so.

5943. Are your head-quarters at Edinburgh?—Yes.

5944. Do you move about at all?—I generally go round the coast once a year.

5945. You have, I see, in your establishment, an inspector, an assistant inspector, and 26 fishery officers?—Yes.

5946. The inspector, I suppose, is constantly going round his district?—He goes round very frequently; he goes once a year round the whole coast, and he is sent on any important occasion; he is the principal travelling officer.

5947. And the assistant also goes round?—Yes.

5948. What are the salaries of the fishery officers?—I can hand in a printed paper showing the classification and salaries of the officers; the general inspector has 250 *l.*, the assistant inspector has 200 *l.*, the first-class officers have 160 *l.* to 180 *l.*, and from that the salaries of the others go down to 100 *l.* and 120 *l.*

5949. Are the fishery officers generally stationed in one place?—They have fixed stations; but when the herring fishing sets in upon the eastern coast, we bring them from the western coast to aid in carrying out the branding.

5950. You shift them as you require?—Yes.

5951. Some people, I think, wish to have your Board abolished?—Yes, some people wish to see it abolished.

5952. The Fishery Commissioners rather think that there is no reason for your interfering?—Yes, they think that there is no reason for our interfering with trawling or branding.

5953. And some of the local people object because you do not do enough?—They have modified that opinion of late; they did think so.

5954. Do you think that there is a feeling in favour

favour of the Fishery Board in Scotland?—A very strong feeling.

5955. Do you think that you might do good as regards the long-line fishermen?—I think that we could do good by keeping order between the long-line fishermen and the trawlers, if laws were laid down for it.

5956. What are your fishery police; are they constables?—They are constables; they are appointed by the chief constable of the county upon the requisition of the Board.

5957. Are they appointed for the season?—They could be paid off upon a fortnight's notice.

5958. Do you keep them all the year round?—We have kept them all the year round for the last three or four years.

5959. Have you any means in Scotland by which the masters of boats and the men can enter into a voluntary agreement?—No recognised system.

5960. How is the long-line fishing conducted in Scotland; do the people who pursue the occupation own the boats and tackle?—Yes.

5961. How do they get money to fit out a boat; can they borrow?—I am not aware that they can borrow; they make a good deal off the herring fishing, and a crew joins together and makes up one boat.

5962. There is a certain time of the year for herring fishing?—Yes; the whole of the crew go to herring fishing.

5963. And at another season of the year they devote their attention to the long lines?—Yes; they have two or three different sets of boats.

5964. Are the loans between the employers and the employed always as you have described them, namely, that the fishermen have to pay them back in herrings?—Generally.

5965. Can they borrow money to carry out their long-line fishing?—From the curer?

5966. Either from the curer or from shopkeepers, or anybody?—I am not aware that that is done.

5967. Have you any exposed coast in Scotland on which the fishery is carried on?—The most exposed coast which it is possible to see.

5968. Are there not a great many creeks and harbours?—They are not accessible; they are all tidal; there is not a low water creek or harbour on the coast.

5969. Do your long-line fishermen fish at a great distance from the coast?—Yes.

5970. How far?—50 or 60 miles.

5971. In a boat which costs 100 *l.*?—No; that boat fitted out would cost from 200 *l.* to 300 *l.*

5972. What depth of water do they fish in?—I suppose that it would be 40 fathoms; there is a bank off Montrose called the "Long Forty," which is from 40 to 50 miles off Montrose, where they catch a good deal; that is right out in the German Ocean.

5973. Does that fishing last all the year?—No, that is a winter fishing.

5974. Then the boats must be good sea boats?—Yes, they are first-rate sea boats.

5975. And you think that for about 200 *l.* you could get a boat which would be safe in that fishing?—Certainly; many boats go which cost 200 *l.* I should say that you must add 50 *l.* to that, and make it 250 *l.* for a first-class boat.

5976. Colonel *Tottenham.*] Your Board has chiefly to do with the herring fishing, has it not?—Yes.

5977. It has no especial duties with regard to any other fishing?—None, except collecting statistics of the cod and ling.

5978. You said that the fishing in Scotland was increasing; was that remark confined to the herring fishery, or did it apply to the fisheries generally?—The fisheries generally.

5979. They are all prosperous?—Yes.

5980. What class of men are the fishermen in Scotland?—You may divide them into two classes. Those on the eastern coast are exclusively fishermen, and they do nothing else.

5981. They fish in the German Ocean?—Yes. Then on the western coast of Scotland, and along the Shetlands and Orkneys, they are crofters, and they occupy a portion of their time in cultivating small portions of land.

5982. Which class do you consider the most prosperous?—Those on the eastern coast, the pure fishermen.

5983. Do you think that the western coast men are small crofters because they have not so much opportunity for fishing, or do you think that their fishing is less prosperous because they are small crofters?—I think that they have to do all their fishing under very great difficulty; they have not the same markets. It is markets which make fisheries. The eastern coast fisheries are so profitable, because you have developed the eastern coast in every way; by railroads, by water carriage, by harbours, and by access to large markets.

5984. Without markets you cannot promote fisheries in any very great degree?—I think that you will not promote fisheries in any very great degree without markets.

5985. Do you think that there is the same supply of fish in either locality?—I think that there is.

5986. Is Scotland, for the purpose of fishery supervision, divided into districts?—Yes.

5987. Into how many districts?—There are 24 districts.

5988. I understand that you adjudicate between the fishermen by means of a Government vessel; at how many points have you a Government vessel?—We send a vessel where the fishing is particularly going on. We have one vessel of our own belonging to the Board, and maintained by the Board; and then we have the loan for the whole year of one Admiralty steamer; and during the summer herring fishing, when the French are upon the coast, we have the loan of the guard ship gun-boats, and another ship or two from the Admiralty.

5989. You do not send them all to the same point?—No.

5990. To about how many points do you send them?—Sometimes there are four gun-boats at the same point when the French boats are numerous.

5991. Those gun-boats, I suppose, are under the orders of the Admiralty?—For naval purposes they are under the commanding officer of the station, but for fishery purposes they take their instructions from me.

5992. Is there a magistrate on board?—No, there are magistrates on shore.

5993. I understood that the adjudication took place on board?—Not in these cases; it is only the Fishery Board's own vessel which does that; the Admiralty vessels never do it.

5994. Is there a magistrate on board your own vessel, or is it merely the captain?—It is merely the captain.

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5995. As I understand the convention, it rather resists the action of the French boats than encourages their coming?—It resists the action of the French boats.

5996. The French boats would come there, whether there was any convention or not?—Yes.

5997. But by the convention they are put under certain regulations?—Exactly so.

5998. That is for the purpose of preserving peace between the vessels of both nations?—The convention provides that outside the limits the parties shall be regulated by the articles of the convention, and it preserves the limit of three miles from the shore to the British.

5999. If there were no convention, the French, I suppose, would come within the three miles more than they do now?—I suppose that they would.

Professor GEORGE JAMES ALLMAN, F.R.S., called in; and Examined.

Professor *G. J. Allman*, F. R. S.

6000. *Chairman.*] YOU are the Professor of Natural History at the University of Edinburgh?—Yes.

6001. How long have you occupied that position?—About 12 years.

6002. Previously to that, I believe, you were Professor of Botany at Trinity College, Dublin?—I was.

6003. Have you had much experience in zoological investigations with reference to marine animals?—Yes.

6004. For the purpose of collecting objects for scientific investigation, have you personally carried on dredging operations upon an extensive scale along the coasts of England, Ireland, and Scotland?—Yes, chiefly on the southern and south-western coast of Ireland, in Dublin Bay, on the eastern and western coasts of Scotland, and as far as a point north of the Shetland Islands.

6005. These operations, I believe, were carried on in water varying in depth from 100 fathoms to a few feet?—Very nearly so, very nearly up to 100 fathoms.

6006. Was the dredge which was used for the purpose calculated to bring up the smallest objects from the bottom of the sea?—Yes; its value depends upon its taking up everything that it meets with.

6007. So that nothing in the sea bottom, over which it passes, can escape it?—Nothing.

6008. Besides your operations in dredging, have you ever been out in fishing boats, trawling?—Yes, often.

6009. Where?—On the southern coast of Ireland chiefly, and more especially in Courtmacksherry Harbour, and in Kinsale Harbour.

6010. In your own minute operations, what were the general objects which you brought up with the dredge?—Mollusca of various kinds and crustacea, and zoophytes, as they are commonly called, in great abundance.

6011. Did you, upon any occasion, bring up fish spawn?—Never in appreciable quantity.

6012. In the course of your operations in trawling, have you ever seen spawn brought up in a trawl?—Never.

6013. You have collected fish ova for scientific purposes, from time to time, have you not?—Yes.

6014. And you know the appearance of it?—Yes.

6015. It could never have been brought up by your trawl nets without your being aware of it?—Certainly not.

6016. In addition to the instrument which you used for dredging the bottom of the sea, have you ever used any other apparatus for collecting marine objects on the surface?—Yes, I have used a towing net very frequently.

6017. Would that collect minute objects?—Very minute; it is constructed for even microscopic objects.

6018. Did you ever take ova in it?—Yes.

6019. Often?—Very frequently.

6020. In examining those ova, and subjecting them to a scientific investigation, have you found upon all occasions that the vitality remained in them?—Yes, always; they were occasionally in an advanced stage of development.

6021. Is it your belief that if they had remained in the sea the vitality would have continued until they arrived at their full development?—Yes, that is my opinion.

6022. Not having found spawn in the bays and estuaries in which you dredged, at what conclusion have you arrived with regard to the deposit of spawn by fish in bays and estuaries?—Simply that the dredge did not pass over ground where the spawn had lain; that is the only conclusion, it is a mere negative conclusion.

6023. Are you of opinion that if the spawn became disturbed upon the ground on which it was placed, the development would continue quite as well as if it had not been disturbed?—So far as herring spawn is concerned, I have positive evidence that it would, and we may judge from analogy, although we cannot positively assert it, that the same is the case with other spawn.

6024. In a report furnished by you to the Scotch Fishery Board, the following passages occur: "But a result of more importance, because of general application, is to be found in the fact that the vitality of the spawn is in no way injured by the act of detaching it from the spawning beds, so that if it be returned to the sea before it suffers any prolonged exposure to the air, development will proceed apparently unchecked; those specimens indeed which underwent development in my possession had not only been removed from the ground on which they were originally deposited, but had been kept for many hours in a scanty supply of water, before I received them; and even after they came under my care, they were necessarily placed in conditions very different from those to which they would have been exposed if they had been allowed to remain in their natural habitat; and yet, with all these disadvantages, the development proceeded uninterruptedly. In evidence taken before the secretary and myself, last spring, it was stated that the St. Monance trawlers made it a point of honour to cast back into the sea any spawn which might be taken in the trawls; one of the witnesses (Mr. Anderson, fishmonger,) asserting that were the trawlers known to return to land with spawn of any kind in their boats, they would be hissed out of the village; so that even admitting that the spawn were disturbed by the passage of the

the trawl over the ground, no real injury would in such case follow its displacement. In a word, then, it is obvious that, so far as the careful series of observations and experiments, now concluded, have been attended with results, these results do not afford any argument in favour of prohibitory legislation as regard trawling in the Firth of Forth. Perhaps, however, the conclusion that restriction of any kind is mischievous, would hardly be justified by the result of a single series of investigations, however carefully conducted. Such inquiries, even though thus limited, possess, it is true, much value; but they should be repeated in other years, and at different seasons, before they could be safely made the basis of legislation." The first portion of those observations is with regard to herring spawn?—Yes.

6025. Do you think that that holds good with regard to the spawn of other fish also?—You can only judge approximately from the observation of herring spawn. There is no reason why it should not hold good with respect to the spawn of other fish, and analogy is rather in favour of its doing so.

6026. In the report of the Irish Fishery Commissioners for 1864, they say that, as a common fact, fish at certain seasons approach the shore for the purpose of spawning, and that the action of trawls in bays and estuaries would be likely to destroy the spawn; from any known facts, do you consider that the Board of Works in Ireland were justified in coming to such a conclusion?—I do not think that we have the least evidence of the approach of the fish to the shore under such circumstances; they may do so; we have no evidence against it, neither have we any for it. The question is one still involved in great obscurity.

6027. From any known facts, do you consider that the Commissioners were justified in saying that the operations of trawling would disturb the spawn?—I think not.

6028. Do you think that the statements which Colonel M'Kerlie has made with respect to fish spawning at particular times and places, and that the action of trawling would disturb the spawn, are justified by any known facts?—I think that the known data would not justify them.

6029. Have you read the evidence of Captain Wallop Brabazon upon the subject of spawning?—Yes.

6030. Do you think that the statements which Captain Wallop Brabazon makes with respect to spawning, and the effects of trawling, are justified by any known facts?—I am not quite sure that I remember them.

6031. He expresses his belief very strongly, that fish spawn largely in bays and estuaries, and that the action of trawling in those bays and estuaries is calculated to disturb and to destroy the spawn?—I do not think that there are any data for that statement.

6032. Captain Brabazon states his belief that the fish burrow in the sand and deposit their spawn there, and that the action of trawling is likely to disturb it; is there any proof that they so bury their ova in the sand?—I am not aware of any proof of it; Captain Brabazon may himself have personal proof of it, but I am not aware of any, nor have I seen any published account which would bear it out.

6033. Have you read Professor Huxley's evidence?—A considerable portion of it.

6034. Do you concur with that portion relative to spawn, and the effects of trawling?—Yes, with what I have read; I think that his evidence is lucid and logical.

6035. It has been stated before this Committee, from time to time, that certain grounds are trawled out, and that fish go away from banks which they have been in the habit of frequenting; does not it occur that mollusca, on which fish feed, will often, without any known cause, abandon a portion of the coast on which they have been abundant?—Yes, we have evidence of that decidedly. I have known portions of the coast which at one time were frequented by mollusca of different species and different genera, but which at other times became very poor in mollusca, and the cause of their disappearance we cannot in the least degree explain. We can only state, in a general way, that the conditions of their existence there must have changed.

6036. Is it not likely that the fish frequenting those banks, finding their usual food gone, would be likely themselves to abandon the banks?—I think that it is very likely.

6037. Do you think that the trawling out of banks, which is sometimes spoken of, is more attributable to the disappearance of the food on which the fish feed?—I think so; I think that the trawling out of grounds is impossible; you cannot trawl out a fishing ground as you would root up a field.

6038. If, as it is alleged by the Board of Works in Ireland, fish spawn in shallow bays and estuaries, do not you think that so large a quantity of spawn would be deposited in bays and estuaries as would leave it no longer a matter of doubt that fish spawn there?—I should feel doubtful about it. The extent of our sea-coast is so large, that the deposit of the ova might be so very widely distributed as to remove it largely from observation; I should hardly be prepared to say that if fish did deposit their ova in bays and estuaries in any large quantities, we should be able to know it; at least, with our present means of investigation, and the means which have been hitherto adopted.

6039. With such an instrument as you described that you used for zoological dredging, would you not be sure to bring up spawn if, as has been alleged, the fish spawn in such places?—Decidedly, if the dredge passed over such ground; I feel quite sure that if the dredge was used for that express purpose, it should do so, but as it has only been used for ordinary zoological purposes it has not furnished us with the positive data as to spawning, which might have been otherwise expected from it.

6040. If fish usually spawned in bays and estuaries, do you not consider that they would come in much larger quantities into bays and estuaries for that purpose?—It is very difficult to form a satisfactory estimate as to the numbers in which fish may visit our bays. The coast line is very extensive, and would admit of the distribution of large masses of fish over so wide an area as to render it impossible to form a well-founded opinion of their actual numbers, even supposing that they did come in.

6041. But the conclusion at which you have arrived is, that there is no proof that spawn is actually taken up by a trawler?—There is no proof which I have been able to determine.

6042. And if disturbed, there is no proof that its

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its vitality would be destroyed?—The evidence is in favour of its vitality being retained.

6043. Under those circumstances, do you consider that the restrictions upon bays and estuaries in Ireland, where trawling can go on, are essential for the preservation of spawn?—I do not.

6044. Mr. *Herbert.*] I believe that the fresh-water fish are divided into two classes, namely, the fish which has a distinct pea, and the fish which deposits its roe amongst weeds, in a kind of bag, such as perch?—Differences in the aggregation of the spawn, of a kind similar to what you describe, will I believe be found, but I have not attended much to the spawning of fresh-water fish, and cannot speak positively to it.

6045. Are there not two classes of fish in the sea, one which deposits its egg quite separate, and one which deposits it like frog spawn?—I believe that the evidence is very much in favour of that view.

6046. The fish which has a separate pea, I believe, always deposits its spawn in sand or gravel, and covers it up; is that not the case?—It may do so, but we have no evidence of it.

6047. Supposing that the sea-fish buried its spawn in sand or gravel, and a heavy trawl came over that bed, and scraped it up, would it not injure that spawn?—I do not think that it would.

6048. Then why should the fish bury the spawn; if salmon spawn was exposed, it would kill it?—In the first place, you are assuming the fact that they bury it, of which we have no evidence.

6049. I am assuming that fact; but you think that it would not injure the spawn if it was disturbed?—We have no reason to suppose that it would do so.

6050. You do not know much about salmon spawn?—I know nothing personally about it.

6051. Mr. *Maguire.*] How often did you make those experiments upon which you rely for the opinion at which you have arrived with regard to the vitality of the ova and not finding spawn?—They have extended over a great many years. The particular observations and experiments with regard to the vitality of the ova were conducted about three years ago, and extended over the period of the spring herring fishing in the Firth of Forth.

6052. Did your experiments extend over many portions of the year, or over what portions of the year?—They extended over many portions.

6053. Were they made in separate years at different times?—Yes, at no particular time. I have dredged less in winter than in the more genial weather of spring and summer and autumn, but still I have dredged all through the year.

6054. With regard to the herring, I think that you were going to say something more?—I think that the question which I was asked was with respect to the retention of the vitality of the spawn after its disturbance. The proof of that is that spawn has been brought to me from a long distance in a very scanty quantity of water, and has been kept in my own house in a scanty quantity of water, and has been placed in conditions very different from its native state, and yet the animal was developed in the ova, and escaped and lived with me for several weeks afterwards.

6055. Do you think that fish spawn in deep water or in shallow water?—We have no evidence on this point; we are quite ignorant of the facts involved in the question.

6056. Do you think that some spawn floats in the sea, and that some is deposited upon the ground?—Yes; the experiments by the towing net would lead one to suppose that some floats in the sea.

6057. Your experiments have been extended over all periods of the year?—Yes, and in various localities.

6058. And under various circumstances?—And under various circumstances.

6059. Colonel *Vandeleur.*] It appears by the reports of the Fishery Commissioners of Ireland, that they have requested the different coastguard inspectors or chief boatmen to send in returns of the spawning of fish; and they state that they believe that the spawn in from 50 to 10 fathoms of water is generally upon a smooth hard sand, and upon a sandy bottom?—Yes.

6060. I find that a great many of the coastguard inspectors have reported the same, and that that is the general impression through the country?—Yes.

6061. That is not your impression?—If those statements were made from personal observation, and were made by trustworthy observers, I would agree to them; there is no reason why it should not be so, but it appears to me that there is no reason to conclude that it is so.

6062. In fact, in the present state of science, we do not exactly know whether it is the case or is not the case?—We do not.

6063. We do not know whether trawling disturbs the spawn, or does not?—I believe that the evidence is against the supposition that the trawlers disturb the spawn.

6064. The main question between us is whether the trawling in the different bays, particularly in the upper part of the bays, is injurious not only to the spawn of fish, but also to the fish which take shelter in the protected bays?—I do not believe that it is; I do not believe that we have any evidence that the fish remain in an immature state upon the trawling ground.

6065. Are you aware that it has been stated here that the trawlers take up fish both in a mature state and large quantities in an immature state; that they take up, for instance, large soles and soles from the size of half-a-crown upwards?—It may be so.

6066. Those small fish are generally taken dead?—Perhaps so.

6067. Mr. *Cooper.*] Are you in favour of perfectly unrestricted fishing?—I am.

6068. Of course it may sometimes be necessary to have police regulations, but that is a different question?—Yes.

6069. You think that no amount of fishing would materially affect the quantity of fish in the sea?—I do.

6070. Has your attention been called to the great falling-off in the produce of the Swedish fisheries?—No; I have not attended to that subject at all.

6071. If you wanted the spawn of cod, or mackerel, or turbot, where would you look for it?—I can hardly say; we do not know where to find it; that is just the state of our knowledge with regard to it.

6072. You have searched for spawn?—Only for herring spawn.

6073. You have not searched generally for spawn?—No, not with any direct object to obtain the spawn.

6074. Did you identify the spawn which you found in your towing net?—Not specially, except that

that I am quite sure that it was not the spawn of the herring, but what spawn it was I cannot say; its floating near the surface of the water is sufficient to show that it is not herring spawn.

6075. You spoke of the mollusca having left certain districts; some of them return again?—It is extremely uncertain.

6076. What mollusca did you speak of?—A great quantity of bivalve and univalve mollusca.

6077. Do you think that they are injured by trawling?—No, they are thrown out again with the refuse of the trawl; they are not in the least injured by it.

6078. And do they alight upon ground suitable for them?—Yes.

6079. Is anything known of the breeding of these bivalves?—Yes, something is known, but nothing that would throw any light upon the abandonment of localities at one time frequented by them.

6080. Is anything known of their food?—Yes; we know that some of them are herbivorous, and others carnivorous.

6081. Then a failure of their food would account for their disappearance?—Certainly.

6082. Do you think that sea fishing can be improved by judicious management?—I should like first to know the sense in which you use the word management?

6083. When I say management, I mean a careful study of the habits of fish?—I think that if anything is to be gained in the improvement of our fisheries, it is to be determined by a consideration of the habits of the fish.

6084. Are you aware that salmon fishing has lately improved enormously by a study of the habits of the fish?—Yes.

6085. Should you recommend that the Government should order a careful inquiry into the habits of the fish on the Irish coast?—Yes.

6086. It is a curious fact that certain fish disappear from certain parts of the coast?—Yes.

6087. Do you think that by careful inquiries we could ascertain the cause of that disappearance?—It is quite possible. The investigation would be one of extreme difficulty, but at the same time I do not think it impossible, and I think that it is even likely to be attended with good results.

6088. You think that having found out what is the cause of the disappearance of a certain fish, we might succeed in getting it back again?—It is possible.

6089. Are you aware that in former days Dublin Bay was visited by haddock?—Yes.

6090. And that of late years they have nearly, if not entirely, disappeared?—So I understand.

6091. Would it be possible to ascertain what has caused that disappearance?—I think it possible, but extremely difficult, and it would be hard even to suggest the particular direction in which inquiry should be made with a chance of the best results.

6092. Lord *Claud John Hamilton.*] Do you think that the action of a trawl passing through the water scares away fish?—No; I think that we have no evidence to lead us to suppose that it does.

6093. In the course of your fishing observations, did you ever find dead fish ova in your trawling net?—Never.

6094. Colonel *Tottenham.*] I understood you to say that you had made some experiments with a trawl dredge, in which you had obtained no ova?—Yes.

6095. And that you had made other experiments with a towing net in which you had obtained ova?—Yes.

6096. Were those experiments made in a similar manner?—Quite similar.

6097. And under similar circumstances?—Yes.

6098. A trawl dredge, I suppose, is a net; will you describe it?—It is a bag net with a close mesh and provided with an iron frame work.

6099. Is the mesh of the trawl dredge as small as that of the towing net?—No, the towing net is very small; it is made, in fact, of muslin, and so minute as to include microscopic objects.

6100. There, the dredge-net would let pass a great many things which the towing-net would take up?—Certainly.

6101. Therefore you can hardly found any argument upon your proceedings with the trawl dredge?—It is so constructed as to take up very small objects, though not so small as those taken up by the towing-net; not microscopic objects.

6102. Do you think that it is likely that the reason why you did take up spawn with the towing-net, and did not take up spawn with the dredge, was traceable to the difference of the mesh?—I do not, because the mesh of the dredge was small enough to retain the spawn.

6103. Your attention was called to the evidence given by a former witness with regard to spawn, and I understood you to say, that even if spawn was disturbed its vitality would not be injured?—I think so.

6104. But still if restored to the water after being uncovered, would it not be exposed to a great many more enemies?—I am not quite sure that it would.

6105. Do not a great many fish prey upon spawn?—Yes; but they would do so if the spawn was upon the ground, as much as if it was floating in the water.

6106. Do you think that they would do so as much when the spawn was covered up by the sand?—Perhaps not.

6107. Captain Brabazon supposed that it was covered up by sand?—We have no evidence whatever that it is covered up by sand.

6108. Do you think that it would be at all desirable to have a close season?—No; I do not see any object in it.

6109. It is not desirable, you think, with regard to the habits or times of the spawning fish?—No.

6110. *Chairman.*] In answer to the Noble Lord the Member for Londonderry, you stated that you never found dead ova in your towing net?—Never.

6111. Would not that favour the supposition that some fish void their spawn in the open sea?—Yes.

6112. And that it acquires vitality there quite as well as if deposited upon land or in sheltered places?—Yes.

6113. Have you employed divers to bring up ova?—Yes; the Scotch Board employed divers at my suggestion.

6114. Did they bring up any ova but herring ova?—No; I examined it all, and I knew exactly what they brought up.

6115. Is not the Bill which is now going through Parliament, so far as removal of restrictions, in a great measure founded upon your report?—

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report?—I do not know that I can be considered as in any way suggesting the Bill, but the provisions of the Bill are quite in accordance with my report.

6116. Especially as regards the removal of all restrictions hitherto existing?—Yes, as a rule.

6117. The Scotch Board has had extensive powers to prevent other kinds of fishing from interfering with the herring fishery?—Yes.

6118. And they are considered no longer essential?—I do not think them essential.

6119. Did you find that the localities where mollusca existed were always frequented by fish?—I do not know that they were.

6120. You have stated that you think that a survey would be important for the purpose of finding out to what banks fish had gone which had abandoned other banks?—Yes.

6121. Do you think that such a survey might be carried out by the Government employing a good sized trawler?—I think that it might, but at the same time I think that there would be great difficulty in the investigation. I, however, am of opinion that it ought not to be discouraged.

6122. Those fish which have gone away from certain banks, is it not highly probable that they might be found upon other banks on the coast?—I think it very likely.

6123. Such a survey could only be made by the Government?—I think so.

6124. A five-fathom line and a ten-fathom line round the coast have been suggested by certain witnesses; do you think that such a restriction would be desirable for the purpose of preserving spawn from injury?—From my own observation I should think not.

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Appendix, No. 1.

PAPERS handed in by Mr. *J. Redmond Barry*, 25 June 1867.

EVIDENCE furnished in reply to printed Queries issued by the Commission in favour of Loans and Loan Funds. App. No. 1.

County Dublin.

Captain Ross, page 8:—"I would establish loan funds along the coast at eligible places, under careful and judicious restrictions. I would enforce the existing laws; and as to our friends from England encroaching on us, I would say to the Irish fisherman, 'Go thou and do likewise.'"

County Louth.

R. T. Thompson, Clogher Head:—"The loan fund of the late Fishery Board was attended with the most beneficial consequences to the industrious fishermen, and has permanently improved them."

Lieutenant James Gilbert, Coast Guard, Omeath:—"Since the extinction of the loan fund of the late Fishery Board, the fishermen have experienced much difficulty in fitting out their boats and gear."

Lieutenant Irwin, Coast Guard, Dundalk:—"Since the loan fund failed, many have been obliged to give up the occupation of fishing."

County Down.

W. H. Higdon, Leestone.—"The loan fund did a great deal of good here in furnishing fishing gear. Since its extinction, fishermen have experienced much difficulty in providing materials."

J. Straens, St. John's Point:—"The loan fund of the late Fishery Board was of the greatest benefit, although the mode of its distribution might be made more productive of individual and public good than it proved, &c."

William Biddock, Ardglass:—"The loan fund improved the condition of the fishermen, but not to the extent it might have done if the regulations had been better, &c."

William S. Crauford, M.P., Craufordsburn:—"The loans of the late Fishery Board were useful to industrious fishermen, and failure is entirely ascribable to the improvidence of the borrowers. Since the extinction of the fishery loan fund, some fishermen have been obliged to leave the trade, from inability to keep up their boats and gear."

County Antrim.

Mr. Davison, from Ballygetty Point to Guron:—"The effect produced by the loan fund of the late Fishery Board was generally beneficial. Since its extinction the fishermen have experienced much difficulty in obtaining outfits for their boats. In this portion of the Belfast fishery district the loan fund of the late Fishery Board was never in operation. Fishermen resident in Carrickfergus, who were freemen of that corporation, and had votes in returning a Member to represent them in Parliament, had sufficient address and interest to obtain as much of the fund as was deemed sufficient for the entire district. The greater part of the sums obtained by these Carrickfergus fishermen never was repaid. Had the fishermen of this district obtained a loan, it would have improved their condition, and been repaid."

Lieutenant Davison, Portrush:—"But assistance in loans would be very beneficial to the fishermen. Without loan funds the fishermen of this port will never be able to equip boats and nets adequate to the herring fishing of this coast."

Mr. Batchelor, Malin:—"The loan fund of the late Fishery Board permanently improved the condition of such fishermen as obtained loans."

Mr. Robinson, late Inspector of Fisheries:—"I am aware that the loan fund of the late Board was of essential service to the fishermen."

J. W. Smith, Knockhallows:—"In many cases the loans of the late Board enabled fishermen to procure boats and gear; they were much benefited in consequence, &c."

Lieutenant Holland, Coast Guard, Rathmullin:—"The loans of the late Fishery Board was of great benefit at the time."

J. S. Barham, Dunree Fort:—"The loans of the late Board provided many with boats who could not otherwise get means, &c."

Lieutenant Penfold, Coast Guard, Guidore:—"Since the extinction of the loan fund of the late Board, fishing has been entirely knocked up. It would be a great blessing to the poor people if all those possessed of boats could be provided with gear, and a trifle of cash to put their boats in order. I think they would not require a bounty to induce them to fish. It is lamentable to see thousands of people starving here at times, when our harbour and the whole coast is literally teeming with fish."

Lieutenant Wall, Coast Guard, Dunrus:—"The fishermen have no other assistance than from the timber which is washed on shore."

Samuel Mitchell, Teelin:—"The loan fund of

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of the late Board was of great service in this district."

Lieutenant Hamilton, Coast Guard, Trybane:—"There are no loan funds, though much wanted under proper regulations. Considers the loan fund of the late Board did not improve the borrowers, owing to the imperfection in the regulations."

Mr. Bolt, Durin:—"Loans were not obtained in this district, and for want of materials the fisheries were neglected."

County Sligo.

Mr. Smith, Inniscrone:—"Some of the fishermen who obtained boats from the late Board were too poor to pay for them. Since the extinction of the Board some fishermen have sold their boats, not having the means to procure gear."

County Mayo.

Lieutenant Raymond, Coast Guard, Lackin:—"The late fishery loan fund improved the circumstances of the fishermen very much while the loans were given."

Lieutenant Sterne, Coast Guard:—"If loans were given for boats they might be repaid in four years without injury to future operations."

Mr. Harding:—"A public loan fund is necessary to enable the great number of spare hands to procure boats, and all fishermen to procure materials for gear, &c."

Lieutenant Henri, Coast Guard:—"If an honest man got a loan immediately before the winter herring fishery, and if the fishing proved to be good, he might be enabled to repay it at the end of it. I knew a man clear a boat in a few nights, &c."

Rev. Michael Connolly, Achill Island:—"Some have bettered their condition by loans from the late Board, but few obtained them."

Mr. Williams, Clew Bay:—"The loan fund improved the condition of the fishermen, &c. * * * * Since its extinction difficulty experienced in procuring gear, &c."

Mr. Mahon:—"The late loan fund was considered beneficial; since its extinction fishermen have suffered."

County Galway.

(From Slyne Head to Island of Arran.)

Mr. King:—"The late loan fund was of great use. Since its extinction much difficulty has been experienced in obtaining materials. * * * Boats have become unfit for use which, if repaired, would save many families from want."

Lieutenant Hunter, Coast Guard:—"Loan funds much wanted on this coast."

Lieutenant James Kemp, R.N., Coast Guard:—"The loan fund of the late Board was considered of the greatest service; since its extinction some have had difficulty in obtaining materials, others have obtained them by submitting to great extortion."

Mr. Cashel:—"The loan fund of the late Board considerably improved the condition of those who obtained loans. Since its extinction, in 1830, the fishermen have been almost destitute of means of providing gear."

Mr. MacDonnell:—"The late loan fund was not as generally advantageous as it might have been, but some few instances of individual improvement may be traced to it here. The practice of giving orders on traders for the articles required led to much local abuse. The articles supplied were generally of very inferior quality, and were priced, in some instances, 50, 60, and even 100 per cent. higher than the charges at which the fishermen could have been supplied elsewhere if the loans were made in cash. Loans would tend to improve the fisheries."

County Clare.

(Agnish Point to Hag's Head.)

Lieutenant Hunter, R.N., Coast Guard:—"The loan fund was of great benefit to the fishermen; little credit is given, and a charge of 2*s.* in the pound for interest.

Lieutenant White, R.N., Coast Guard:—"The effect of the loan fund was an improvement in those who obtained them."

Mr. Patterson:—"The late loan fund was of material benefit to the fisheries."

Mr. King, late Inspector General of Fisheries:—"The late loan fund and the piers erected have been the means of bringing into cultivation thousands of acres on the remote coasts of Ireland."

County Kerry.

(North of Dingle Bay.)

Mr. Eager:—"The fisheries were very much advanced by the loan fund."

Captain Creagh & Lieutenant Cartwright, R.N.:—"The loan fund was of the greatest service, and the fishermen felt the want of it; no credit, and, if they got it, would be charged very high."

Mr. Hickson:—"The greatest benefit was derived from the loans, and the condition of the fisherman greatly deteriorated since its withdrawal. Are now charged usuriously."

Mr. Woodhouse:—"The loans were most useful."

Mr. Dyer and Mr. Homersham:—"The loans were of great service."

G. Woodhouse, late Inspector, Dingle:—"Considers loan fund not long enough in operation to confer any permanent benefit. In some instances have a salutary effect. Too many formalities; notwithstanding, the fund worked well in the Dingle district.

County Cork.

(Coast of Kerry to Baltimore.)

Mr. O. Sullivan, Mr. Murphy, Mr. Baldwin, Coast Guard, and Mr. A. Driscoll, testify to the benefits conferred by the late loan fund, and the injury which resulted to the fishermen by its extinction.

(Baltimore to Long Strand.)

Mr. Morris, Glandore; Captain Lyster, late Inspector; Mr. Donovan, Mr. Coughlan, Rev. Mr. Murray, Cape Clear, testify to the good done to the fishermen by the late loan fund.

(Cone

(Cone District, now Queenstown.)

John Smith Barry:—" The condition of the fishermen who obtained loans from the late Board was considerably improved, and if the fund had been continued and judiciously applied would have been of the greatest advantage."

Right Rev. John Crotty:—" The late fishery loan fund improved many, and there was not any complaint of its regulations."

N. Lawton, Coast Guard:—" The late loan fund improved the circumstances of the fishermen."

Unsigned, but comprehending all the Coast Guard Stations in the District of Cone:

" The late loan fund of the Fishery Board produced much benefit, and permanent improvement in the condition of many."

(Youghal and Ballycotton District.)

Mr. H. C. Roderick:—" I believe the loan fund to have been productive of great benefit; it improved the condition of the fishermen, and would again, under proper regulations."

County Waterford.

Colonel Curry:—" The good intended to be done by the loan fund of the late Board was in a great measure defeated, but its renewal would be considered of much advantage."

County Wexford.

(Wexford to Kilmore.)

Mr. Pritchard:—" The loan fund was of the most essential benefit to the fishermen. Since its extinction, they have experienced the greatest difficulty in obtaining credit, and consequently their boats are in a wretched state."

(Greenore Point to the Bar of Lough.)

Mr. Samuel Elly:—" The loans made in this district were eminently useful; since its extinction boats and gear have gone to decay; credit cannot be got except at exorbitant prices."

(Duncannon to Arthurstown.)

Mr. Stephens:—" No loan funds here, and fishermen have experienced much difficulty in obtaining materials. I know that several boats for want of such assistance have been allowed to go to ruin."

EVIDENCE of Witnesses before Commission of 1836 in favour of Loans and Loan Funds.

County Dublin.

Mr. Hogan, of Balbriggan, considered loans of capital would be beneficial, repayable by instalments spread over a period of years, like the loans given by the fish factors, on personal security.

County Louth.

Mr. Darcy:—" Small loans judiciously given necessary."

County Down.

Mr. Barn:—" Gives fishermen credit, and is punctually repaid. If there were savings banks, loans would be beneficial."

County Antrim.

Hugh Falls:—" Partially; loans would be beneficial."

County Mayo.

Mr. Carter:—" A loan payable by instalments would be of great benefit."

Lieutenant Brereton, Coast Guard:—" A loan fund would promote the fisheries, if under judicious management."

County Kerry.

Rev. Dr. Foley, Hingle:—" The late loan fund was beneficial."

Mr. Hickson, Rev. Mr. O'Sullivan, Right Rev. Dr. Egan, R. C. Bishop of Kerry, Hon. Major Mullins, P. Grey, Manager of National Bank, Rev. M. Healy:—" Consider loan funds judiciously managed would be beneficial."

Valentia Fishermen:—" Consider loans would prove beneficial."

County Cork.

Mr. Jenkins, Bantry:—" Loans would be beneficial."

Mr. Sheehy, Castletownsend:—" Considers loans would assist the fishermen."

John Perrot, Courtmacsheny:—" Loans would be useful, and have proved so."

County Waterford.

Rev. Mr. Fogarty and John Curren, Dungarvan:—" Loans would prove beneficial."

County Wicklow.

Rev. Mr. Corcoran, Wicklow:—" The loan fund in majority of instances had a good effect."

County Dublin.

Thomas Moorny, Agricultural Bank:—" Loans have proved beneficial, and loan funds would be advantageous."

County Donegal.

Mr. M. Cournelogue, boat builder, Rathmullen:—" Gives credit, and gets paid. If fishermen got loans, could repay them in three years."

App. No. 1. EVIDENCE in reply to printed Queries, and Testimony of Witnesses before Commissions of 1836, unfavourable to Loans.

William Moore, J. P. Carlingford:—"Considers loan funds did not benefit the fishermen, as the persons who generally applied for the loan were not regular fishermen; the failure ascribable to the persons who recommended not considering the character and habits of those recommended. The fishermen in cases of credit are charged usuriously."

John Miller and Wm. Roy, Derryoge:—"The loan fund of the late Fishery Board did not produce much benefit to the fishermen. In some cases this is to be ascribed to the borrowers."

County Down.

Captain Daniels:—"The loan fund of the late Fishery Board produced no good effect, which was caused by bad regulations and imprudence of borrowers. Since the late fishery loan, have experienced much difficulty in obtaining materials."

Mr. Clarke:—"The loans made by the late board were very injurious. Through local influence, they were obtained by farmers for general purposes. Forestallers, &c., got them for buying up meal, &c. The notes passed as security were made to fall due when fishermen were preparing for another fishing, and when capital was required."

J. Saunders:—"The loan was abused. The notes in general became due in spring generally, when fishermen were preparing for another fishing. Loans were given to nominal fishermen who should not have received them."

Lieut. Miller, Coast Guard, Strangford:—"The loan fund did not permanently improve the condition of the fishermen. This may be ascribable to the improvidence of the borrowers."

Mr. Mitchell:—"All but one individual state they were losers by the loans, through the injudicious manner in which they received them. I ascribe some part of the failure to individual improvidence. Since the extinction of the fund so much difficulty has been found in obtaining materials that several fishing boats are unfit for sea, and gear out of order."

County Antrim.

Carrickfergus:—"The loans were not confined to fishermen. Farmers, sailors, and others got them, and they were used in various speculations. Fishermen stated that when they got loans in materials the order was deposited with a shipchandler in Belfast, and they were obliged to take the materials selected, or forego the loan. They were not allowed to take the order for materials to any trader from whom they might obtain them on best terms. Hemp was so bad they could not use it, but sold it for half the price charged; rope also bad. Some loans were repaid, others not."

Lieutenant Wood, Coast Guard:—"Loan funds in good hands would prove a great advantage. The loans of the Fishery Board have not generally improved condition of fishermen; it was abused. Reilly, an industrious fellow, was improved by it. Fishermen now experience great difficulty in obtaining materials; when on credit the charge is great."

County Donegal.

Collector of Customs, Greencastle:—"The loans did not improve condition of fishermen; it was not well managed; dangerous to lend the lower orders, as they are improvident."

Captain Sharpe, Killybegs:—"Loans did not permanently improve condition of fishermen here, there being none exclusively such."

County Mayo.

Mr. Moore, Kilcummin:—"The loans in this district were an injury to the borrowers, as the boats given on loan were ill built; materials not equal to price, and money called in too soon."

Lieutenant Nagle, Coast Guard, Belmullett:—"The loans were injurious from the conditions on which the wretched fishermen obtained assistance."

Mr. Capplestone, Clare Bay:—"The loans were so administered locally as not to have the desired effect."

Essex Phillips, Chief Boatman, Boffin Island, Clare Island:—"The loans did injury from improvidence of the borrowers. Since their extinction fishermen have difficulty in procuring materials."

County Galway.

(Killeries to Slyne Head.)

Mr. D'Arcy, Mr. Blake, Mr. MacDonnell, Lieut. Warren, Mr. Morriss:—"Do not consider loan fund did good in that district."

County Cork.

Mr. Young, Bantry:—"Thinks loans calculated to act mischievously in increasing fishing craft and bringing into the trade small farmers, who should be otherwise employed."

Mr. O'Donovan, O'Donovan's Cove:—"The benefit of the loans was outbalanced by the litigation it gave rise to. Does not know a single fisherman ultimately benefited by them. A system of small loans might be rendered advantageous."

Mr. Sheehy, Castletownsend:—"Considers the loan fund did harm from pressing for payment before the men could earn it."

T. Townsend, late Inspector of Fisheries:—"The loans were given too indiscriminately; many who took it never intended to repay it. In some cases whisky instead of goods was taken out for the order. Not one in a hundred was benefited."

Mr. Cadogan, Kinsale:—"The loans in some instances were beneficial, but the arrangements were injudicious; periods for payment too short."

Lieutenant Quadling:—"The loans were not beneficial owing to bad regulations and manifest abuses on the part of those intrusted with the distribution."

John Galvin, Youghal:—"The loans did some good, but were too troublesome to get at it. The shipbrokers on whom orders were given charged too high. Fishermen had to repay too soon."

County Wexford.

Mr. Talbot, M.P.:—"No good was derived from late loans, as a common trader will give them on as good terms."

Dublin.

Witnesses disapprove of loans, page 195, as encouraging to borrow when there may not be the means of repayment.

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LETTER from *S. M. Leeke*, Esq., to Major General Sir *J. Burgoyne*.

Treasury Chambers,
My dear Sir, 18 October 1844.

As one of the official trustees of the Irish reproductive Loan Fund, I am requested by Mr. John Abel Smith, the chairman, and the other trustees, to beg that you would favour us with your opinion on the following subject:

By the original Irish Relief Committee a sum was appropriated "for the encouragement of the fisheries." The balance of this sum amounting now, I believe, to about 5,000 *l.*, remained in the hands of the trustees unemployed.

They wish to know whether this fund, if placed in the hands of the Commissioners of Public Works and Fisheries, might not be employed by them, under the direction of the Treasury, for the purpose originally intended?

This purpose was principally, I presume, to grant small loans to the fishermen in the same manner as the rest of the Loan Fund is employed in loans to agricultural persons, but whether that was the sole purpose intended may be doubted.

It occurs to me that this fund, which, according to the words of the vote of the Relief Committee, is appropriated generally for "the encouragement of the fisheries," might be added to the fund already in your hands, being the balance of the sums issued to you under the 1st William 4, c. 54, and former Acts; this latter fund is, by the 10th section of the Act of 1st Victoria, c. 21, made applicable to all the purposes of the several Irish Fishery Acts.

What those purposes are I do not exactly understand; I should therefore feel much obliged to you, if at your leisure you would let me know, for the information of the trustees, to what precise purposes you consider the Fishery Fund, under the 1st William 4th, is applicable, and also for what purposes you would undertake to apply and administer our fund if placed in your hands, in order that we may consider whether we should be justified by the words of the appropriation to deliver the same over to you for such purposes, either as a separate fund or as an addition to the Fishery Fund at present in your charge.

I remain, &c.
(signed) *S. M. Leeke.*

Major General Sir J. Burgoyne.

MEMORANDUM drawn up by Mr. *Barry* to remove the Difficulties entertained by Sir *J. F. Burgoyne* to undertaking the Management of a Loan Fund of 5,000 *l.*, offered by the London Reproductive Loan Fund Society, for Aiding the Fisheries in Ireland.

The Notes between brackets [ ] were by the Chairman, Sir J. Burgoyne.

NOTES by the Chairman.

[I do not dispute the great advantages that may be derived from making loans to fishermen and for fishery purposes. My difficulties are to the manner of managing it.]

After the mass of evidence received in the fishery inquiry of 1836, the unanimous expression of opinion given by the Commissioners in the articles on Loan in their Report, page 13, the recommendation of that mode of encouraging the fisheries in the 12th, 13th, and 14th numbers of "Remedial Measures," pages 23 and 24, it would seem to be superfluous further to urge the expediency of such a mode of improving the condition of the fishermen of Ireland. Well remembering the opinion of a respected member of the Commission on the general question of Government aid on such occasions, and well convinced of the superiority of his judgment, I have, with more than ordinary diffidence, found it impossible to divest my mind of a conviction that nothing had occurred in the course of my recent intercourse with the fishing classes to alter the opinion which I had early formed, that a judicious and and well-regulated loan system would be the most effectual and least objectionable mode of improving the condition of those among them who required assistance.

[I do not dispute the principle, but I want to be shown how it can be managed as a public measure with security and economy.]

[I do not think it would be politic to entrust parties under any general system with the management of public money exclusively. The only safe mode would be, in conjunction with private funds, and, even then, there is the difficulty and expense of being secured in the due expenditure from the private funds, and that this public money may not be used entirely to increase the gains of persons above the class intended to be relieved.]

The general progress of improvement in the country has happily been accompanied by a more active and energetic spirit, and the higher and middle classes have been roused by the Poor Laws to a conviction that efforts must be made to increase the sources of employment and to raise the position of the operatives. I have, therefore, no doubt that it would now be found much more easy than in former times to enlist the co-operation of safe and effective administrators of any fund that may be available to the

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purpose; but I am persuaded that a very long time will still elapse before any general direct movement will be made towards such an object, if there be not applied some such stimulus as may be derived from a judicious system of centralisation and control.

[This is rather a severe reflection, but we must not be frightened from resisting what we believe to be delusive propositions for giving relief.]

Recent enactments profess to have established a department for the encouragement of the fisheries of Ireland, and it is very hard to deny that the profession is delusive, if any fair, and rational, and unobjectionable means be rejected, whereby good may be done.

[This is also a severe reflection. I hope no one in this department would object to the forwarding of what they believe to be a good work for fear of increased trouble, and I for one would be most willing to encourage Government to incur any expense to effect adequate good; but my present impression on this, of a public administration of a small loan fund, is, that the difficulty, inconveniences, and want of management would be out of proportion with the benefit.]

If the enactments had limited the extent of the expense which the Government was permitted to incur to an amount insufficient for the purpose of procuring machinery with which to work any feasible or legitimate object calculated to improve the fisheries, one should recognise the consideration of increased trouble to a superintending department as an important ingredient in determining the expediency of any such undertaking; but while I see that no such limitation was fixed by the regulation, and that without Government control and superintendence, local co-operation will for a long time remain dormant and never be thoroughly effective, I cannot think that, on the score of increased trouble and expense to a reasonable extent, there should be any objection to the measure, neither can I admit as a valid argument against it, so long as the principle of Government loans of any kind is recognised, the odium that may on some occasions attach to the rigid enforcement of repayment or of the observance of a uniform system of management.

[I think it a very serious objection to any system that Government may be driven to proceed legally against a poor class of persons for recovery of a debt.]

[There was, I believe, occasionally increased rigour and hardships arising from the emoluments or profits of the collectors being derived from the proportionate amount collected, but when Government was compelled at length to abandon the collection, where it may be presumed many could have paid, the lesson in punctuality of repayment must have been quite lost.]

I can well remember the period when after the dissolution of the late Fishery Board the outstanding loans were called in; and although on that occasion I deplored the rigour which in some instances was used in the collection, I have had since frequent opportunities of knowing that, although it produced for the moment a severe pressure, its lasting effects were beneficial in generating habits that have rendered certain communities as remarkable for their punctuality in small loan fund dealings as others (where a more lax system was pursued) have since then been deficient in that important quality.

[I do not, quite the contrary; but I cannot understand on what principle or by what reasoning grants for the same objects can be considered less beneficial; and my advocacy of grants is chiefly because it greatly facilitates the management of the fund, which is my great difficulty.]

Some most benevolent and kind-hearted persons deprecate altogether the system of loans to the humble classes, and I have with great surprise heard the principle advocated that absolute grants would be preferable. While I fully appreciate the liberality of the sentiment, I never was more fully convinced of anything than that such a mode of relief on ordinary occasions would be attended with the most mischievous consequences. The consideration that it is less troublesome and more agreeable to the donor, never can in my mind justify the evil effects which it would produce upon the great majority of receivers, as well as upon the class to which they belong, only a very small section of the late Commission advocated the principle. (See Report, page 12.) It certainly may be desirable that the superintending department should have at its disposal the means of alleviating some of those extreme cases of destitution produced by casualties to which the pursuit of fishing is so liable excepting which there seems to me to be no object connected with the improvement

[What baneful consequences are to arise from giving an *honest and industrious* man a boat or a share in one instead of making him a debtor for it I cannot comprehend.]

[This never was the consideration.]

[There

ment in the condition of operative fishermen which may not be more effectually attained by loans than by grants. In the latter case the only security which exists for the judicious application of the aid given is the hope of continued industry and provident habits in the receiver, qualities more rare than feelings of gratitude to the parties who become sureties for the repayment of a loan. Ever since the distribution of English bounty so munificiently sent to this country, in 1822, I have closely observed the difference in the effects produced by the various modes adopted for administering relief; and while on the one hand the marks are still visible where those means were rendered instrumental in the promotion of industry, I can scarcely say that the baneful effects of a gratuitous and indiscriminate distribution of what was called charity are yet removed.

[There must have been other causes in operation to produce this effect.]

[It is not because abstractedly it is a loan or reproductive system that it is objected to, but on account of the anticipated difficulties of administration.]

Those observations on the general expediency of the loan system I would wind up by an earnest recommendation that the Board should not reject the management of the fund now offered, even upon terms of its being administered upon the reproductive principle. I feel that it may perhaps be considered more my province to suggest the details of a plan of management, and I am not unprepared for such an undertaking if required or if indeed anything need be added to the 12th, 13th, and 14th sections of the Summary of Remedial Measures in the Report of 1836, adopted in the Fishery Bill of 1838, and reiterated in several more recent communications.

[I presume this does not refer to the question of loans, but a new matter connected with premedial measures generally.

The first object required I consider to be a more judicious distribution of fishing communities in favourable localities, and in comfortable habitations, with small allotments of land. Without breaking up such places as the Claddagh it will be utterly impossible to overcome a prejudice, to prevent the periodical return of famine and disturbance, or to establish anything like prosperity. This is the most pressing case; but there are others, many others, claiming attention; nay, strongly demanding it. It may be said, "Let the landlords do it." They may be considered fairly to have no landlords, no patrons, no protectors. The public believe the class to be the peculiar objects of care with the Government, so long as there remains on the Statute Book a single Act professing to be for the encouragement of the fisheries; therefore the public, in general cases too apathetic in the disinterested promotion of improvement, feel themselves peculiarly discharged from obligations in regard to the fishery classes. The most necessary ingredient required for such purposes, pecuniary means, does not, unfortunately, exist among the industrious and enterprising classes. The drones have too much honey; but more than money is required, and may be had; 500*l.* may be insufficient to effect what 1,000*l.* could easily do. The 15th section of the "Remedial Measures" has been adopted in the recent Statute (sect. 17, 5 & 6 Vict. cap. 106). To carry it out needs no further legislation.

[I do not understand that *professing* to encourage the fisheries must necessarily include such propositions as these, or that Government was to take upon itself the charge of all the fishermen of the kingdom.]

Let the three preceding sections of "Remedial Measures" be acted upon boldly, and liberally, and judiciously, and thousands will be raised from misery and destitution and disease. At least let one experiment be made. One-and-twenty years ago I recorded my opinions on this important subject. (See Reports of Inspectors General

[Includes with *policy* and *with reasonable* economy of *management.*]

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General, 1823, pp. 43-53.) Altered circumstances may require a different plan; but on the general principle I have nothing to unsay.

I feel it at all times a painful duty to put forward opinions differing from those with whom or under whom I act; but circumstances and conviction oblige me on the present occasion to state those opinions freely.

(signed) *J. Redmond Barry.*

28 October 1844.
Major General Sir J. Burgoyne.

Mr. Radcliff's Memorandum for Sir John Burgoyne.

"That in cases where loan funds under the management of local associations shall be established to assist fishermen, &c., a moiety of those funds shall be supplied out of the public funds, to be sufficiently secured in the repayment by the associations requiring that aid, &c.; and that the proceedings and accounts of these associations shall be at all times subject to the scrutiny of the controlling department, under whose management the general interests of the fisheries may be placed."

The foregoing is the section which Mr. Barry refers to taken from the Report of the Commissioners of Inquiry; it was agreed to after much discussion, and was the result of a compromise among the Commissioners, many of whom disapproved altogether of Government interference with such small loans to fishermen, and others (among whom is Mr. B——) wished to see the system fully carried out, similar to that under the Fishery Board, but cleared of its defects and abuses. I perfectly recollect that the majority of the Commissioners considered that it was most impolitic to bring the Government into collision with the poor borrowers, which must be the case when the loans are not repaid punctually. I do not understand Sir J. Burgoyne to object (like many others anxious to improve the condition of the poorer classes) to the system of small loans, but he does, and I think rightly, to such a system being worked by the Government. Mr. Barry's argument appears to me to be this: that because the landlords and individuals interested will do nothing, therefore the Government should interfere and take the duty on themselves. This, in my opinion, has been one of the great causes of our Irish misfortunes. In my mind it would be much better for the Government to run the risk of advancing capital to a few persons who would engage actively in the fisheries, than to establish again the operation and management of small loan funds, until you have established fish curers and merchants, as in Scotland and elsewhere, you will have no fisheries on a well secured system. Why do not the London Commissioners assist persons of this class, and induce them to engage in the trade. We have seen the grand effect of a little capital well managed at Waterford, and here in Dublin by the trawl-boat owners. The wording to the Preamble to the Fishery Act may lead people to expect more than the Act gives them, but the Fishery Board are not responsible for that; there is no power in the Fishery Act to establish loan funds; and supposing the fund, now under consideration, in our charge, and that it was considered advisable to manage it, as Mr. Barry recommends, where is the staff? A control to be useful must be constant and vigilant. The details would be better understood and superintended by the Loan Fund Board than the Board of Works. I have heard many suggestions as to how the loan fund by Government might be made to work well, but not to my mind, got rid of the objection to the principle. It is said, why should not loans be made to poor fishermen as well as to companies. The answer is, that no loans are ever made for mere trading purposes. Loans from Government (except to Irish railways) are discouraged by the high rate of interest that is charged, which is purposely done to force borrowers into the public market, except for grand juries, and for construction of harbours, from which no private profits are derived; there have been but few loans of late years. All loans for the encouragement of private trade have been refused, and in my opinion very properly. In the drainage case the Treasury very unwillingly sanctioned what the Board with reluctance recommended. But it was done to start a Government measure likely to be attended with important benefit, and as an encouragement to begin and follow up other cases, where the funds would be provided by speculators.

In my opinion, the policy of inducing the very poor classes to embark in the fisheries, when one bad season ruins them, where their little capital is borrowed, is open to much objection. The same sum borrowed in the present state of Ireland could be more safely applied in the improvement of their small holdings. I do not speak of such society as the Claddagh fishermen, dispersed round the coast with miserable boats. I know the complaints are loud among a particular class of persons against the Board and their officers, because they do what they term nothing to encourage fisheries, that is, they do not recommend the throwing away money, and the appointment of numerous inspectors, but we should not be too sensitive on this point. The Government are well out of the scrape they formerly got into of administering bounties and loan funds, and with the opinion we hold, we cannot couscientiously recommend them to embark in it again.

(signed) *J. R.*

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Mr. Mulvany's Report.

I FULLY concur with Sir John Burgoyne in the impolicy and impracticability within any moderate limits of expense of a Government managing in detail the distribution of loans to poor fishermen; I even doubt the utility of it, supposing it practicable.

Direct aid to individuals, at least by Government, instead of exciting the enterprise and elevating the character of the poor fishermen, is calculated in my opinion to produce the opposite results, whilst it may alleviate present distress; it produces no lasting result; it leaves the causes of distress almost untouched.

As regards the 5,000 *l.* offered out of the Reproductive Loan Fund, it appears it was provided by general benevolence for general relief from distress, and absolutely allocated for the benefit of the Irish fisheries. It is too small a sum to be of much benefit in grants for fishery piers, whilst its application in that way, though beneficial to the fisheries, would only be so in a very few localities, which may, with reason, be deemed foreign to the objects of the subscribers and the rights (if we may so speak) of other localities; besides, there can be no doubt that the grant funds for fishery piers ought, and it is to be hoped will, be provided by the State.

If benefit to the fisheries can be promoted by loans for general (not merely individual) benefit, then the legitimate application of the sum offered may be effected, I think, most beneficially by the Fishery Commissioners.

The Loan Fund Board, as at present constituted, having no executive powers, as I understand, and the societies in connexion with it necessarily requiring weekly payments, appears wholly unsuited for the purpose.

If this sum be lent at moderate interest, say 3½ or 4 per cent., and all interest above expenses lodged to the capital account, in a few years, by circulation and funding all balances, a very large sum may be realised, and I think immense good done.

No other Board has such facilities for this purpose as the Board of Works and Fisheries, aided as they now are by the coast guard and police, and the large staff of engineers frequently moving about in the various duties connected with the Board in these capacities, and in that of drainage and navigation, every branch of these services can be occasionally made use of without additional expense in promoting a benevolent object of this class, allied as it naturally is with the duties of the Board.

Assuming that the loans would never be under 100*l.*, and frequently much exceed that amount, and that they would be repayable in 10 years, with the useful power to the parties to pay up in a shorter time if their means permitted (as when a good season occurred, &c.), and the instalments were made payable yearly or half-yearly, I think the additional accounts to be kept would be very small, and as I would not contemplate, in connexion with this fund, any executive duties on the part of the Board, all minute details would be got rid of.

We then come to the objects to which the fund should be applicable, and they are found to be enumerated in the 14th paragraph, p. 24, of the First Report of the Commissioners of Irish Fisheries, published in

To these I would add, in the present state of the law (which, however, we may hope to see changed), loans to parties (on perfect security) who undertake to provide certain portions of the cost of fishery piers in cases where grants are made by the State for the remainder. Many such works I believe are hindered from want of the present means, whilst the parties interested, if permitted to repay by instalments, would gladly bind themselves and their property to the repayments.

I would contemplate that, except in the last case, no loans should be promised until it was proved, in addition to all other requisites, that a sum equal in amount was *bonâ fide* provided, and the loan money should be advanced in equal amounts to the expenditure of private funds.

The security should be unquestionable, and such as would only relieve the Board from any interference or connexion in the matter with the poor fishermen.

I know many wild parts of the coast where there are hundreds of fishing boats, but they are never used, except when herrings or other shoals of fish are known to be on the coast, because then carriers came from the interior to buy.

These coasts abound with white fish, and various kinds fit for salting and curing. If an enterprising resident tradesman, clergyman, proprietor, or other be induced to erect a salt store and curing house, and buy every day any fish that may be brought to him, the people about, having a certain and constant market, will then go out for fish; and in a short time, as in other parts of the coast, the carriers will resort there, and take off all the finer kinds, whilst the coarse can be salted for export, at the suitable time, to some more populous district. The Fishery Act gives powers to lease grounds for such purposes.

I know other localities where fishermen swarm and have scarcely room to live in, who would willingly pay fair rent for houses; but, cut off almost as they are in direct interest from the lords of the soil, no sufficient immediate ties existing between them, they are utterly neglected, and no one can be found to build for them. Local societies, forming themselves to promote such an object, getting aid from such funds as this to same amount as their own, would do great good, and get an ample return and security for the investment of both funds.

Resident landlords or local societies providing a store of fishing and boat gear ready for use in the locality when the fish are on the coast, providing stores of salt in large quantity, to enable the poor fisherman at a cheap rate to cure his own fish, and who would take payment in kind, would be highly beneficial and deserving of aid (on proper security being given) from such a fund.

So also would societies aiding the fishermen in building boats, by taking shares therein, &c.; but in these cases the security should be collateral.

But the great object of all is to produce the market in the remote districts by the establishment of curing stations. This will not only afford direct relief, but it will reward industry, excite a legitimate spirit of enterprise, show the fisherman how he may be independent, and the

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capitalist how he may safely follow the example, and then good boats, good gear, skill, and liberal views as to the use of fishing engines, will follow as natural results.

I have no doubt that other analogous modes of using the money and conferring general advantages, whilst it admits of circulating the fund with a tendency to its increase, may be suggested, or will arise; but the one object of encouraging the establishment of curing houses is, I think, of itself sufficient to call for its being brought into use, instead of lying dormant, as it has done for many years.

I see no difficulty in framing general rules under which the fund could be administered, so as to confine it to the furtherance of such objects as I have referred to, and to render the Board's duties in the matter purely administrative, and whilst I would stipulate that the whole charge of the fund, with power to invest, &c., should be in the Board, subject only to the rendering of annual account. I think it should be distinctly provided that the Government or Board were not to be pledged to make good any deficiency which, notwithstanding all their care, might by possibility occur in such a matter.

On the other hand, I think, as this is a charitable fund, the whole administration of it should be quite free of any charge on the part of the Board or its officers, nothing but matters of a purely local nature, such as a survey or examination by a person not an officer of the Board should be charged to it, and even this I think should be borne by the applicants out of their private funds.

I think no stamps should be necessary, and all legal duties should be performed by the Board's officers, except possibly the recovery of moneys, which should be charged to the defaulters. I think in this way this small fund may be made to produce much good through the instrumentality of this Board, more good more judiciously and at less expense than by any other existing, and therefore I think that this offer should not be rejected, though I will not go so far as to say, that by the acceptance of it, I would wish at present to be understood to go the whole length of justifying the adoption of such a policy by the Goverment as a further extension of the principle would be.

But this is a fund provided for charitable purposes connected with the fisheries. The Board can make it do more good than any other body, and I think the experiment at least ought to be tried.

(signed) *Wm. T. Mulvany.*

28 October 1844.

Sea Fisheries.

The Commissioners of Public Works present their compliments to Mr. Barry, and would be obliged by his letting them have his own and Mr. Townshend's opinion on the accompanying rough copy of a Bill for the Fisheries. There are several errors in minor points, such as confounding Commissioners of Public Works and the Commissioners to be appointed under this Act, &c., which can be remedied in drawing up the Bill.

The Board's instructions were to frame a Bill on the resolutions of the Commissioners of Inquiry, which appear to have been generally followed.

Office of Public Works, 3rd January 1838.

A BILL for the Improvement of the Sea Coast Fisheries of *Ireland*.—11 April 1838, 1 Vict.

Preamble.—Expediency of repealing Acts relating to the Sea Coast Fisheries of Ireland, and making further provisions for the encouragement and protection of these fisheries.

Secs. 1 and 2. Former Acts recited and repealed.

Sec. 3. Lord Lieutenant to appoint Commissioners.

Sec. 4. Powers under the 1st & 2nd Wm. 4, transferred to the Commissioners appointed under this Act, and in addition these Commissioners shall have power to make bye-laws for the government, management, regulation, protection, and improvement of the fisheries, where the tide ebbs and flows; for the preservation of peace, for the conduct and direction of fishermen, for times of beginning and ending fishing, for times, places, and manner of using nets or engines, or for any practice tending to impede the take of fish or detrimental to the fisheries.

Sec. 5. Bye-laws, local or general, to be distributed and posted.

Sec. 6. Penalties attached to breach of bye-laws.

Sec. 7. Appeal to Lord Lieutenant against bye-laws.

Sec. 8. Customs and coast guard officers may assist the Commissioners in execution of the Act 3.

Sec. 9. Commissioners to have power to appoint secretary, clerks, and inspectors, practically acquainted with the fisheries, at such salary as may be approved by the Lord Lieutenant; and the officers acting under the Commissioners, may enter any fishing boat and see that the bye-laws are observed, and report to the Commissioners from time to time.

Sec. 10. Penalty for obstructing inspectors in the discharge of their duty.

Sec. 11. Commissioners to report annually to Parliament.

Sec. 12. Jurisdiction of magistrates in maritime counties extended to offences committed at sea.

Sec. 13. Coast guard may apprehend offenders against bye-laws and orders, and,

Sec. 14.

Sec. 14. May act as constables.

Sec. 15. Admiralty and controller of coast may, on requisition of the Commissioners, order Her Majesty's vessels to attend at requisite time and place for enforcement of rules, preserving order, and protection of fishermen against assault.

Sec. 16. Commissioners of Public Works may make grants in aid of boat slips, capstans, moorings, and small harbour lights, upon payment or security of a moiety of the estimated cost; and said Commissioners may receive, in lieu of money contribution, an equivalent in materials or works to be executed in accordance with a plan approved by them; and the said Commissioners may receive applications and make grants in aid of the construction of small harbours, piers, and quays, for fishery purposes, to an amount not exceeding 2,000 *l.* for any one of such upon one moiety of the estimated cost being either paid or secured.

Sec. 17. Provisions in respect of loans and advances under 1 & 2 Will. 4, and 6 & 7 Will. 4, extended to grants to be made for such harbours, piers, quays, boat-slips, capstans, moorings, or harbour-lights, as fully as if the same were herein recited, provided that the said Commissioners of Public Works may make grants for such purposes without being obliged to require that the applicant for same shall provide or satisfy them of the existence of funds for future maintenance and repairs, and the said Commissioners may receive, instead of money payment of the moiety, an equivalent value in materials or work.

Sec. 18. All harbours, piers, &c. heretofore or hereafter to be made wholly or in part with public money vested in the Commissioners of Public Works.

Sec. 19. Power vested in Commissioners of Public Works to levy such tolls as the Treasury may approve.

Sec. 20. Also like powers of levying and leasing tolls as are contained in 6 & 7 Will. 4.

Sec. 21. Tolls to be applied in the same manner as is directed in 6 & 7 Will. 4.

Sect. 22. And provisions of 6 & 7 Will. 4 applicable.

Sect. 23. The residue of any money received by the Commissioners of Fisheries or Commissioners of Public Works, under 1 & 2 Will. 4, on account of fisheries, shall be applied to the completion, maintenance, or repair of fishery piers now in existence, and which may be important or useful, or to the general improvement of the fisheries, subject to the sanction of the Treasury.

Sec. 24. Justices may call meeting of cesspayers, and, if decided upon by a majority, they may apply by memorial to the Commissioners of Public Works that the work described may be executed, a moiety of the cost to be repaid by grand jury presentment.

Sec. 25. Thereupon, the Commissioners of Public Works may inquire into the utility of the work, and, if they report favourably, the Treasury may authorise the work to be executed, and from time to time give directions in respect of the repayment of the moiety.

Sec. 26. Commissioners of Public Works on receipt of Treasury warrant may cause the works to be proceeded with.

Sec. 27. One moiety of the expense to be advanced out of the Consolidated Fund, and,

Sec. 28. The other by the issue of Exchequer Bills.

Sec. 29. A moiety to be repaid by grand jury presentment, and if grand jury fail to present, the treasurer of the county shall insert the amount in his warrant.

Secs. 30, 31, 32, and 33. Commissioners of Public Works authorised, subject to Treasury sanction, to make short lines of communication between piers and nearest high roads; one moiety to be provided either by voluntary contribution, or to be levied off the baronies or townlands, in the same way as the cost of the piers.

Sec. 34. In case any number of persons, not less than three, shall associate for the purpose of making loans to fishermen for repair or outfit of boats, the Commissioners of Public Works may receive applications from such persons, and, with any money to be placed at their disposal, may make loans to such persons for such purpose, provided the applicants shall give security to the satisfaction of the Commissioners for the repayment of the loans with interest, always subject to the previous sanction of the Treasury.

Sec. 35. Persons so associating themselves, and receiving aid, shall furnish to the Commissioners an accurate report of their proceedings, disbursements, and accounts, in relation to said loans; and the Commissioners shall have full power to examine such accounts.

Sec. 36. Commissioners of Public Works, on the recommendation of the Commissioners of Fisheries, may make loans to individuals of a moiety of the cost of erecting curing-houses, fishing-yards, salt stores, and fishermen's houses, according to approved plans, and satisfactory security shall be given for the repayment of the money, and its proper application.

Sec. 37. Bodies corporate empowered to demise for such purposes.

Sec. 38. Right of use of waste shore.

Sec. 39. Any person sued for so doing, may plead the general issue.

Sec. 40. Mode of hearing offences.

Sec. 41. Penalty on witnesses not attending, or refusing to give evidence.

Sec. 42. Evidence of informer admissible.

Sec. 43. Registry of boats to be kept.

Sec. 44. Provision of funds from Treasury.

Sec. 45. No action without notice.

Sec. 46. Notice of evidence.

Sec. 47. Commissioners may prosecute, sue, and be sued.

Sec. 48. Amendment and repeal.

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Memorandum of Exaggerations of the Press as to the Supply of Fish.

Office of Public Works, Dublin,
4 August 1856.

Several articles having recently appeared in the public papers on the subject of the coast fisheries, calculated to produce not only a greatly exaggerated opinion of the supplies of sea-fish upon our coasts, but a belief that so very important an object is greatly disregarded, and that a most culpable degree of indolence and apathy prevails upon our shores, together with a total absence of the necessary appliances for the capture of fish, we have, since our General Report to the Board, devoted much attention to the question of supply of fish to the metropolis and the local markets of Ireland, and we find that it is but too true that a most unusual dearth of sea-fish has prevailed for some time, which is mainly attributable to a scarcity on the coast.

In the last week of June we held meetings at Howth and Kingstown in reference to some complaints made by the Cornish fishermen against the trawlers. About that time there was in both places a well-equipped fleet of nearly 300 vessels from Cornwall, the Isle of Man, Scotland, and the east coast of Ireland, wanting none of the necessary appliances for the capture of herrings; but after waiting for nearly a month, and making trial every night, they all left this in despair of having a herring fishery, though they shot their nets nearly mid-channel. The result was most unfavourable, and no vessel paid her expenses. Finding that the Dublin market has lately been supplied from the Isle of Man, we went down to Howth on Friday last; and finding that one of the Howth boats, the "Patrick and Esther," a smack of 37 tons, had just arrived from the Isle of Man, we examined James Rickard, one of the crew, who states, that when they left the island, on the 30th ultimo, there were then between 200 and 300 vessels fishing most productively out of Peel and Port Le Mary, each boat taking about 30 mease a night, and the fishing improving. The "Patrick and Esther" had been about to proceed to Scotland on the conger fishery, but found it more advantageous to purchase a loading of herrings, for which they paid 15*s.* to 16*s.* per mease. They sold the cargo that morning readily in the Dublin Market at 24*s.* per mease.

They had previously purchased a cargo of herrings at Campbeltown, which they sold in the Liverpool Market for 32*s.* 6*d.* per mease; but that market has since been overstocked from the Isle of Man. All this time scarcely any herrings have been taken on the Irish coast, which clearly proves how exceedingly precarious the pursuit of fishing is, and how very capricious those great shoals of herrings are in their visitations. It would seem as if the herring fishery on the east coast of Scotland is the only certain source of supply. At present there are 1,000 boats employed there; and it appears by the last report of the Scotch Commissioners that last year 85,300 barrels of herrings were branded at Wick, under the direction of Mr. Low, the curer, whom we had employed at Castletown, Berehaven, who has since his return been appointed an inspector under the Board of British Fisheries.

We are desirous to record those facts for the information of the Board, without any commentary on the great exaggerations contained in the articles before referred to.

(signed) *J. R. Barry.*
W. J. Ffennell.

The Secretary, &c.

Memorandum to be referred to in Drawing up Annual Report for 1845.

Fisheries.

Suggestions for the Report of 1845.

Since the last report the Commissioners have successfully pursued the same unvarying course which they adopted on their first undertaking the administration of the Act. The same cautious unwillingness to restrain particular modes of fishing, on the plea of their being injurious, has been felt; and, in no case, has a restrictive bye-law been extended to any locality, where on an impartial investigation, full proofs were not given to satisfy the Commissioners that such a course was expedient.

The Commissioners continue to receive from the officers of the coast-guard the same useful co-operation referred to in the last report, and the registry of the vessels upon the coast may now be considered as complete. It will be seen that a great increase has taken place since the last returns; for some considerable portion of which it is only fair to take credit as an addition to the fishing establishment on the coast; while the larger proportion must be regarded as vessels existing before January 1844, which had not been duly registered. To the close of the year 1844 the total number of vessels registered is 17,955, having 84,708 men; while the number at the close of the preceding year was 15,935 vessels and 73,979 men, showing an increase of 2,020 vessels and 10,729 men.

Although the last season has almost universally been more unfavourable than the preceding one, most especially in the take of herring and other shoal fish, the activity of the coast population appears to have been in no way abated; and the uniform and almost uninterrupted state of tranquility which prevails, together with the progress of more temperate and consequently more provident habits on the part of the fishermen, may be said to have more than counteracted the deficiences arising from unfavourable weather, to which may be mainly attributed the decrease in the produce of the fisheries.

Day-light

Day-light Fishing.

The grievance complained of in the last report in this instance, has been remedied by the 7th section of the 7 & 8 Victoria, c. 108, to the general satisfaction of the persons engaged in the seine fishery.

Trammel Fishery.

All hostility to this mode of fishing seems to have subsided; the statute law against the use of the net by day is considered quite sufficient, and no further application in regard to it has been made to the Commissioners within the last year.

Oyster Fishery.

An inquiry has been held in reference to the oyster fishery of Lough Foyle; and the Commissioners are disposed in this instance, as well as at Lough Swilly, to exercise the increased powers conferred upon them by the 5th section of the 7 & 8 Vic. c. 108. But it seems to be quite certain that restraint alone is insufficient for the purpose of renovating the oyster beds in several places where they were formerly most productive; and, where they have now nearly ceased to exist, some such measures must be adopted as are resorted to at Queensborough and other places upon the coast of England for the renovation of the beds; but it is much to be feared that, where there is no private right, there will not exist that spirit of co-operation which influences the provident and judicious arrangements made by the inhabitants of Queensborough. It seems to be very deserving of consideration whether legislative encouragement should not be given to the formation of private beds, in different places upon the coast, by parties owning the adjacent land, and in a way not calculated to prejudice public rights. The 13th section of the 5 & 6 Vic. c. 106, permitting the formation of bait beds upon the coast, under certain restrictions, furnishes a precedent for such an arrangement; and there appears to be no reason why the principle should not be extended to oysters. In Carlingford Lough the oyster fishery appears to have wholly failed; and, excepting only the supplies brought from Arklow to that place, and deposited there for a short time, none are to be had. The shores of the upper parts of the bay, both on the Down and Louth side, appear to be peculiarly favourable for such formations, and in this instance there need be but little apprehension of interference with existing public rights.

Piers and Shelter Harbours.

Several of the coast-guard officers, as well as of the fishermen upon the exposed shores, have urgently impressed upon the Board's officers the necessity for increased shelter by piers and breakwaters.

Burton Bindon has the monopoly of the oyster trade in Ireland. He takes the best care of his beds, giving extended employment in protection, cultivation, and transport. He employs 80 women in the summer, and has a large capital invested.—*J. R. B.*

The general progress of other improvements by roads and railways will render those facilities for protection even more necessary, as it appears to be certain that the want of them in many places prevents the construction of a larger class of boats calculated to fish in the deep sea. In the Dunfanaghy district, the maritime boundary of which is 174 miles, where this want is peculiarly observable, there is not a single first-class vessel; and in the Killala district, with a coast boundary of 52 miles, there is but one boat of that description. The want of piers and shelter harbours alone prevents the extension of the system of deep sea fishery so judiciously commenced at Dunmore to the coast of Wexford, which is as favourably circumstanced for an abundant supply of fish and for facilities of transport, both to England and the interior, as it is deficient in the sources of shelter for a proper class of boats.

Among the stations on the east coast, that of Newcastle seems to present the strongest claims to consideration in the way of shelter. Its shores are ascertained to be most abundantly supplied with fish of the finest description. The people are industrious and active, and it probably will be the district soonest furnished with great facilities of internal transport, by means of railroads to the metropolis, and other ports for shipment. This district includes the harbours of Ardglass and Newcastle, in both of which places large sums have been expended in the construction of shelter harbours. The first seems to be a measure of such magnitude as to render it hopeless that, except as a great national object, as a refuge harbour, anything effective can ever be realised. The second, though not upon so large a scale, is not inferior in importance, and may, for a moderate sum, probably not less than 5,000*l.*, be rendered a most valuable acquisition to the whole southern part of the coast of Down. A melancholy accident occurred at Newcastle, on the 13th January 1843, which caused the destruction of seven fishing boats, with 46 souls; but, owing to the benevolent exertions of some individuals in the neighbourhood, a sum amounting to 2,844*l.* 15*s.* was the produce of the general sympathy excited throughout the United Kingdom. Of this sum about 900*l.* were most judiciously expended in the relief of the surviving families; not by indiscriminate distribution of money, but by a most wise and salutary promotion of industrious habits among the parties. Their immediate wants were supplied, boats, horses, and carts were purchased for some, houses and stock for others, the children of some were apprenticed, and a system, as varied as it was judicious, and furnishing an admirable example to others, was adopted in this case. The Relief Committee

This is most useful information, but it appears to me the Board are not in a position to enter such details in their report, or allude only to these particular localities.—*M.*

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mittee have, in addition, applied the sum of 300*l.* to the construction of 12 comfortable cottages for as many widows of the unhappy sufferers. The whole outlay, up to the present period, is 1,186*l.* 12*s.* 2*d.*, leaving a balance still on hand of 1,658*l.* 2*s.* 10*d.* This sum, or a large portion of it, would seem to be a fund from which a contribution might be most legitimately drawn towards the expense of providing shelter for the fishing vessels. It is believed that the noble proprietor of the town would most willingly contribute a large portion of the fund necessary; and it may be deserving of consideration whether the remaining deficiency may not be usefully supplied from the national resources.

In Galway Bay a similar object seems to be strongly called for by the peculiar circumstances of that most interesting community, the fishermen of the Claddagh, in the town of Galway. The village is overstocked to suffocation; and, therefore, liable to the periodical occurrence of infectious disease; and, in times of failure in the fishery, the greatest distress prevails. A year has seldom passed that the Government has not been called upon for some assistance to stay the progress of famine. There is but one effectual remedy for the evil; a large portion of the population should be drawn off to a more favourable locality, situated more conveniently in regard to the fishing ground; and possessing the advantage of facilities to obtain small allotments of land for the inhabitants. The intelligent and truly benevolent inspecting commander of the district reports in the following words :—

"Every season for the last 17 years has confirmed me in the opinion, which I have always entertained from personal observation, that the Claddagh, the principal fishing colony on this coast, is very badly situated, being upwards of 20 miles east of the best fishing ground; whereas, the westerly winds prevail for better than nine months in the year. I have known numerous instances of the fishermen being unable to get on the fishing ground for a week at a time; and distress, and sometimes starvation, immediately followed. Not one of these Claddagh fishermen has got the smallest potato garden, which would furnish the means of support during those difficult and unfortunate periods.

"Green Point, two miles west of Spiddle, and in the neighbourhood of all the best fishing grounds, would, with a moderate expense, be made a fine shelter for this colony. It has a good road leading up to Galway; and the proprietor of the land would give ground for potato gardens. The establishment of this place of shelter would relieve thousands from periodical distress, and would render the market better and more constantly supplied.

"I most respectfully suggest it for the favourable consideration of Sir John Burgoyne, and the Commissioners of the Board."

Premiums.

A suggestion has been offered by a most intelligent gentleman, the Inspecting Commander of Westport, too important to be omitted; his words are :—"I beg also to observe that it would be very desirable that some stimulus to create emulation in the rigging, fitting, and orderly keeping of the vessels and boats, should be established along the coast; which, in my opinion, might easily be effected by the different landed proprietors (whose property lies along and most contiguous to the sea-shore), granting premiums to the owners of boats and vessels, and (inspected half yearly), who would set such examples. I have reason to think that such improvements would not only largely contribute to the safety and efficiency of the fishermen; but would tend materially to their instruction and better knowledge of seamanship in the management and construction of all the craft employed in fishing. 20 years experience convinces me of the propriety of the suggestions I have respectfully submitted for the consideration of the honourable Commissioners. The proprietors, whose lands lie contiguous to the sea-shore in this district are the Marquess of Sligo, the Earl of Lucan, Sir Richard Annesly O'Donnell, Bart., Colonel Knox Gore, and Sir Samuel O'Malley, Bart."

All to no purpose without the stimulus of a good market and remunerating price, and with these the stimulus of premiums would not be requisite.—*M.*

Memorandum by Mr. Ottley.—It lies with the proprietors of property along the coast to effect this improvement.

In days like the present, when every object of productive industry attracts the attention of the proprietary of the country; when associations are formed for the advancement of agriculture and manufactures; when liberal premiums are given for improved stock and improved cultivation, it is much to be deplored that the struggling fisherman, whose pursuit is more precarious than that of the farmer or the artisan, is, generally speaking, wholly unaided by public sympathy or the efforts of proprietors. Scotland owes her superiority less to bounties and Government aid, whatever may be thought to the contrary, than to the active and cordial exertions of a patriotic proprietary, who, in adopting a principle of consolidation, which necessarily diminished the resources of employment, contributed largely towards substituting, in the fisheries, other extensive means of profit for the maritime population.

Most true.—*M.*

Were they, I mean the proprietors, not mostly stimulated by a prospect of gain.—*M.*

Foreign Markets.

Until some source of demand for cured dry fish is established by foreign export, we never can hope to see some of our most productive fisheries in the remote districts effectually cultivated. The duties charged in Spain, Portugal, and other Catholic countries on the import of our cured fish operate as a complete

Memorandum by Mr. Radcliff.—We want urers more than markets.

complete interdict upon the trade, while we confer a valuable boon upon those countries by receiving salt, a most important article of their produce, duty free, interfering so far with the consumption of the same article of our own manufacture. This subject would seem to be a fair object of negotiation with those countries, and it is of vital importance to our fisheries.

Memorandum by Mr. Mulvany.—Are we overstocked at home with cured fish, or do we not import largely ?

Memorandum by Mr. Barry.—How is this observation of Mr. Mulvany's consistent with his note on the other side in reference to good markets and remunerating price ?

Waterford Fishing Companies.

I propose to submit report of the progress of those undertakings in detail after I shall have passed through Waterford on my way to the south.

(signed) *James Redmond Barry.*

15 March 1845.

Mr. Strangman promised to give me this in detail, but I suspect he thinks he has already told too much. He has not sent his account.—*J. R. B.*

Suppressed Portions of Mr. Barry's Report for 1865.

"The germ which was carefully sown was nipped in the bud, the very foundation was shaken, the bounties were abolished, the officers were disbanded, the loans were gathered in with the most merciless rigour by some of the officers who wished to exhibit extraordinary zeal, and the fatal Act 1st Wm. IV., c. 54, strangely enough entitled 'An Act to revive, continue, and amend several Acts relating to fisheries,' passed on the 16th July 1830; while it gave a title in perpetuity to Scotland, for her valuable superintending establishment, and a continuous grant of 3,000 *l.* a year in aid of building piers, harbours, and repairing poor fishermen's boats—utterly extinguished all continuous encouragement to the fisheries of Ireland. It is really painful to me thus to refer to the past, but so much has been said of the indolence of our coast population, and there really is so very strong a contrast between our depressed state and the prosperity of our Scotch neighbours, that it is only justice to state plain facts, which will prove that our extinction increased their improvement. The fatal policy of 1830 produced all the effects that may have been expected. The markets of Ireland were restored to Scotland, and the export of herrings from that country, which in 1830 was 181,654 barrels, in 1834 reached 272,093, of which 149,254 were to Ireland, with a proportionate increase in the export of cured dry fish; and in 1862 reached 494,910 barrels, of which 70,879 barrels were to Ireland; thenceforward for nearly 30 years we were wholly dependent on Scotland for our supplies of herrings.* Here I may be permitted to observe that it really is not wonderful that several members of the Committee on the taxation of Ireland of last year should have hesitated to believe that the grant of 5,000 *l.* a year to Ireland, which was concurrent with the 3,000 *l.* to Scotland, should have been utterly extinguished, while the latter sum was perpetuated to Scotland by the same Act. (*See* Appendix, No. 10, pages 48, 49, 50.)"

"From Frazerburg, from Findhorn, from Leith, from Montrose, from Eymouth, from Stromness; and several deputations headed by the Duke of Sutherland and other influential proprietors were received, and finally it got the *coup de grace* by being deferred for six months on the 23rd July 1838."

"But not a particle of substantial encouragement, nor a penny towards aiding our coast population, was granted."

"The belief which prevailed at the time that our establishment had been formed for the substantial encouragement of our fisheries, the organisation of the coast."

"Poor laws were followed by depopulation and the destruction of whole villages. The desire for emigration was literally forced upon the people, and has now grown into an irresistible mania."

Suppressed Portion of Mr. Barry's Report for 1866.

"I had previously proposed to the Board an official visit to that locality, but the subject was not considered sufficiently important, and the following minute was made by the Chairman :—

"'The Commissioners are of opinion that the subject is not one of sufficient public importance to warrant the expense of sending one of the Inspecting Commissioners to proceed to Southampton; any of the individuals engaged in the lobster trade who think well of the system of ponds might visit Southampton. It appears that the pond system is very simple, and probably might be introduced from descriptions, or from drawings or plans, which might be easily procured by the party interested.

"'*R. Griffith.*'"

"'5th August 1859.'"

"Very interesting report from the first gentleman, furnishing much valuable information."

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* The total exports of herrings from Scotland in the eighteen years between 1830 and 1848 were - 4,447,713 barrels.
Of which they sent to Ireland much more than one-half, or - - - - - - - - - 2,398,581 „
While since our herring trade began to revive here in 1861, their gross export to 1864 was, four years, 1,657,493 „
Of which we only received less than one-sixth, or - - - - - - - - - - 279,970 „

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NOTES on the International Exhibition at Boulogne, in September 1866, referred to in Mr. *Barry's* Report, page 10.

Boulogne-sur-Mer,
23 September 1866.

THIS exhibition, to which much allusion was made in a Dublin contemporary last month, may be said not to have really commenced until to-day. There has been a considerable accession of new objects within the last week, and a great improvement made in the arrangement of those previously exhibited. The confusion necessarily attaching to all commencements of this kind has given place to order and classified arrangement, and one can now see to their full extent the merits or deficiencies of the multifarious implements and models enclosed within the walls of the new Halle de Poisson. Among the new arrivals I may mention a collection of beautiful models of boats from the house of Forrest & Son, of London, consisting chiefly of the following:—A deep-water pleasure fishing yacht, with a well in the centre for keeping the fish alive, and fitted with water-tight bulkheads, and shifting air-tight hatches to fit her up as a lifeboat in bad weather, built for a nobleman; to be used on the east coast of Ireland. Model of a cutter pleasure fishing yacht, with a dropping keel, and fitted with air-tight cases, bulkheads, &c., as a lifeboat. Superior fishing boat, as used at Wick, on the north coast of Scotland. These are considered the finest bad-weather fishing boats on the coast of England, and some of them are about to be fitted up with air-tight compartments and decked over. A cutter lifeboat and a whaleboat, both self-righting, carried by Her Majesty's surveying ship "Sylvia" on the coasts of Africa and China. A Greenland whaleboat, as used by the ships employed in the northern whale fisheries. A South Sea boat, as used by the ships employed in the southern whale fisheries. A schooner pleasure fishing yacht, with a dropping keel, for use in deep sea and shallow water; built for a gentleman on the west coast of Ireland. A large fishing lugger, used in the Yarmouth fishing grounds, suitable for three lugs, or any other class of rig.

The interesting Irish collection of boats, nets, and fish passes, contributed by the Commissioners of Public Works, are now, for the first time, favourably placed for examination; and although the models are not so highly finished as those of some other countries, they tell their own story truly, and furnish a very correct idea of the craft and implements employed in our country in fishing pursuits, and that I believe to be the true object of a model. Everything over and above may exhibit taste, neatness, and exquisite finish, but highly-wrought models do not always give a true notion of the things they are intended to represent. The Commissioners of Public Works have also added a map of Ireland, showing the places for which they have granted licenses to form oyster beds on ground not fished on by the public, and barren of oysters previous to such formations. The total area thus authorised to be planted with brood oysters by the only body competent to give such authority is shown to be about 11,000 acres, and contrasts strangely with a highly imaginative map exhibited by a gentleman from Dublin, which, with the sweep of a paint-brush, as potent as a magician's wand, shows oyster-beds "in the course of formation," which, I am sorry to say, are as much "in the course of formation" on the sites shown, as they are in the mountains of the moon.

The Humane Society of France exhibits to-day a new mode of launching a lifeboat, by means of a self-moving chariot, on which it is placed. This is the invention of Monsieur De Poelley, the director of the works of roads and bridges. It seems a very simple and effective contrivance, but cannot be well described without the aid of a diagram.

The jury appointed yesterday, under the presidency of the Prefect, commenced their labours at nine o'clock this morning, and although they are numerous and divided into sections, they have an arduous task before them in examining and deciding upon the respective merits of the several objects exhibited, which comprise in multiplied variety every possible thing connected with fishing industry, its products, and the means of its development.

Boulogne-sur-Mer,
26 September 1866.

IN examining carefully the various objects presented to view in the Fishery Exhibition, where every fishing implement is shown, from the simplest form of hook to the elaborate bag and drum nets with their enormous leaders, one is forcibly struck with the fact that for centuries there has been no change or improvement in the form or design of fishing engines, and that the modes of capture in use to-day all over the world are exactly those which were employed by our "rude forefathers," with probably equal adroitness and success. It is a generally prevailing opinion that what are known as Scotch weirs, stake nets, bag nets, trawls, and other such, are of comparatively recent origin, and some of these have been recently exterminated in England and Ireland as unfair modes of capture, and calculated to injure the fishery by the over-abundance of their take; but these instruments are by no means entitled to such questionable merit as is often implied by the term novelty. They were quite common in very distant times; and we find them in every variety, and others not now in general use, carefully figured and described in the old books devoted to fishery subjects. As an example, there is the "Traité General des Pesches," and "Histoire des Poissons quelles fournissent, tant pour la subsistance des hommes que pour plusieurs autres usages, par M. Duhamel Du Monceu, de l'Académie Royale des Sciences de la Société Royale de Londres," and a host of other things, published at Paris in 1764, the composition of which occupied him and a collaborateur, M. De Marre, nearly a lifetime. It is an admirable work, in three large folio volumes, and contains a most elaborate description of all the engines then, and for centuries previously, used in the waters known to the writer; and the diagrams furnish the exact counterparts of everything that meets the eye in this Exhibition of 1866, which is supposed to contain, and which I believe really does contain, every modern improvement, and to exhibit in a striking manner the ingenuity of this scientific and inventive age. There they are—the hooks of different bend, Kirby, Harwich, Limerick, and Norsk; the snooding; the manner of attachment; the lobster, crab, and shrimp pots; the hand-lines and spillers, with the mode of arranging the hooks for baiting; the different modes of paying out

out and laying the lines; the stake, bag and fly nets, chambered, in circles, and zigzag; the seines, trawls, trammels, fly and drum nets, and oyster dredges; and viviers or well-boats—there they are in the book of the long past, and there they are, without a change, in the Boulogne Exhibition. Indeed, I am not sure that they did not exist in pre-historic times, and if I were a Frenchman, I might put forth the theory that they were coeval with pre-Adamite man, for I find in an antique collection of various objects, illustrative of the stone period, exhibited by M. Gabriel de Mortillet, an archæologist of great repute, a piece of net of exactly the present statutable dimensions, 1¾ inches between the knots, which was lately found between two pieces of wood embedded to a depth of six feet at the bottom of Lake Geneva, along with a number of flint arrow heads, stone hammers (celts), and round stones with holes in the centre, such as are used at present in many countries to weight the foot-ropes of the nets. If, therefore, you are ever rash enough to say that "there is nothing new under the sun," and that anybody disputes the very controvertible statement, take your stand at once amongst the fishing engines, and all things connected with fish.

But some very cognoscent person may say, "Is not pisciculture new, and are there no illustrations of that in the Exhibition?" I admit the term "pisciculture" to be somewhat novel (although for the sake of euphony I wish it was something else), but the thing which it expresses is as old as the early ages of the Celestial Empire. The theory here is, that it was discovered by one Jacobi, of Westphalia, in 1758, who, poor fellow, never lived to carry out his experiments to complete success. In 1844 it was re-discovered (as stated) by a simple fisherman of the Vosges, named Renny, who conceived the idea of producing salmon and trout by plunging the eggs of the female fish into water, artificially fecundated by the milt of the male. It was no re-discovery; the book to which I have already referred shows the whole process of artificial breeding in as perfect a state as it is at present; and the Abbé Huc testifies as to its long existence, at least as an experiment, amongst the Chinese.

As to the success of pisciculture, there is no satisfactory information in this Exhibition. There are, it is true, seven preserved specimens of young salmon said to have been artificially hatched, exhibited by a gentleman of some scientific celebrity. They are stated to be a series showing the development of salmon from the eggs to a year old: 1st, eggs—the eyes in the fish; 2nd, one day old; 3rd, one month to six weeks; 4th, two to four months old; 5th, six to eight months old; 6th, eight to twelve months old; 7th, "fit to go to sea as smolts." Ah, but did they go to sea; and, if so, did they return? Did they reproduce themselves? Did they render any waters, rivers, or streams abundant by their re-appearing? In fact, although sent down in the myriads stated, have they ever shown again? In that is involved the whole question; and with great respect for the scientific authority, his bottled specimens leave the question just as it has been—totally undetermined; or rather, not yet brought within any practical knowledge. That young fish can be so produced there can be no doubt; but that the animals so raised, without the parents' selection of time and place, and without the accompaniments of active fecundation, are fitted for the hard experience of their necessary existence in the open sea, still remains to be proved; and until satisfactory proof is given of that, artificial breeding will simply rank amongst other natural curiosities unattended with beneficial results.

Boulogne-sur-Mer,
27 September 1866.

THE jury in the different sections, composed of men from various countries, perfectly conversant with fishery matters, brought their examination to a close on yesterday evening, having subjected the hooks, lines, nets, &c., to the most severe tests, and obtained the aid of shipbuilders and other experts in cases of differences of opinion respecting the build of the boats and fishing vessels. To pass such a critical competitive examination is proof of no small degree of merit, but to pass it with honour is something to look back to and be proud of. The official proclamation of the several decisions cannot be made for a few days, but I am in a position to announce that Ireland —notwithstanding the sneers of a Dublin contemporary at what *he* exhibited—bears away a very creditable proportion of the high distinctions.

I cannot take leave of the Exhibition without referring to one most egregious omission or deficiency, which I hope will be supplied at the next concourse of a similar character, wherever that may be—I allude to the proper and effectual cultivation of the oyster fishery,—that branch of this industrial subject which is probably the most important at the present day. I can easily understand why pisciculture is disposed of in the flippant manner to which I alluded in my letter of yesterday; butwhy the much-vaunted system of oyster culture should be ignored at this Exhibition I am totally unable to conceive. Is it possible that Dr. Kimmerer's tiles, at the Isle of Rè, have not been covered with the much-coveted spat, and have not proved themselves to be the fitting receptacles of the precious young oyster, which would otherwise have fallen upon the destructive mud, or have been carried away by the ebbing tide, a prey to fortune? Is it possible that these tiles have not succeeded in producing those shells of exquisite shape, containing oysters of such delicious plumpness as to satisfy at once the conception of the artist, and almost the longing of the gournet? Can it be that the twigs and facines of Lake Fusaro, of St. Brieuc, and Concarnon have not borne the precious burdens which the books on this subject have led me pleasingly to believe? If that be not so it is very unthinking, I would almost say heartless, on your part, Messieurs Coste and Kimmerer, not to have sent a single tile from Rè, or a solitary faggot from Fusaro, if it were only to give strength to the hands of your adherents and confound those English, who, "sitting in the chair of the scorner," wag their beards derisively against you.

But has not the public press already directed attention to, and "our own correspondents" gone into ecstasies at, what they have been pleased to call "a most interesting" collection in this exhibition illustrative of oyster culture, and of the growth and development of the oyster from early infancy to mature age? I admit that to be the case, but candour also obliges me to confess that I sought for with avidity, and very soon found, to my sorrow and disappointment, the things so designated. This "interesting illustrative collection" turns out to be nothing more or less than a parcel

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a parcel of shells, of one, two, and three years' growth, shells of the same and unequal ages adhering to each other, and to fragments of old crockery, bottles, and other hard substances. But everybody knows that oysters, like all other animal existences, have their small beginnings, and increase in size, up to the limits prescribed by nature's laws, as they increase in years; and that, like every other living thing, they have their "natural selections" or protections, which, in their case, are the hard substances referred to. Such a "collection" we could cull out of the tub of a shell-fish tavern at any time; they are the things which meet us at every step as we walk along the shore of any water where oysters have their being; but they throw as much light upon oyster culture as they do upon the interpretation of the Ogham characters.

Why have not the learned doctors and decorated members of the Institute given us some information, and supported their opinion by examples, on vexed questions of vital moment on this all-important subject? It is said by some that mud is totally destructive even of the full-grown oyster, while others stoutly maintain that a muddy bottom of a certain kind furnishes the only proper aliment to the animal, and makes him happy and contented, as evinced by the plumpness, healthy colour, and savory succulence with which he becomes invested. What mud is that which is so potent for life, health, and development, and what is that which is so fraught with evil consequences? What are the depths at which oysters prefer to fix themselves, and which are the most suitable for their existence? What are the bottoms, and what the character and circumstances of the water on or in which they best fatten, they best reproduce themselves, they acquire the greatest fineness of shell, and the most delicious flavour? At what age do they first eject the spat from the mantle? What is the number produced by a parent at each fecundation? What are the causes which periodically influence their productiveness or sterility? These, and others into which I need not further go, are the important points yet to be definitely settled; and yet they are the points upon which this Exhibition is silent both in word and example. I go to Paris to-day in order to see what has been done of late by the "Société d'Acclimitation," and you will not, therefore, hear further from Boulogne, from

Your Special Correspondent.

EXTRACT from the "Irish Times," 1st January 1867.

Arklow, Monday.

A FEW herrings have been captured during the past week here, which were very good in quality considering the season. They realized an ordinary average price; but the demand was very limited, in consequence of the advanced period of the year. In fact, the fishery has properly concluded several weeks ago, and those fish now caught are taken by a few small boats which do not possess oyster dredges, or they would doubtless participate with the larger fishing craft in the oyster fishery, which is now progressing with varying success. However, the quality of the herrings recently caught indicates large shoals of these fish off our coast, and for what reason the fishery is abandoned at this moment is not explained. Probably from the antiquated erroneous supposition that this fishery should terminate at those periods which custom has established, and that the proverbial superstitious proclivities of the fishermen incline them to carry out the system which they illogically consider to be correct. However, although most people may believe that our fishermen are actuated by these ideas, I for one do not think so, but, on the contrary, attribute the continuance of these rules to very opposite causes; for if we consider that a train of herring nets (which are worth 150 *l.*) are in imminent danger of being lost or carried away by the fearful swells and bank currents peculiar to our coasts in this inclement weather, we must concur with the policy which prevails. Upon the whole the past year's catch here is computed to have realised about 32,000 *l.*, which sum would be about 10,000 *l.* over the preceding year. My occupation is now gone; but if anything is worthy of record until the resumption of the herring fishery next May, I shall not fail to inform you, now that the "Irish Times" is the only newspaper in Ireland that is looked upon as the medium and advocate of this rising branch of industry, which it has greatly contributed to bringing to its present prosperous state.

LETTER from Mr. *Copeland* to Mr. *Barry*.

Dublin, 9 October 1866.

Dear Sir,

I HAVE great pleasure in laying before you the opinions I have formed as to the great decrease of fish in the Irish Sea, the causes to which I attribute the scarcity of fish, and the reasons I have had for coming to the conclusion I have come to on the point.

I must premise, however, that I am now speaking entirely from memory, and my statements must consequently be rather loose. I made some notes a few years ago of some facts I had observed, and made some calculations from them; but these notes are not now accessible. You must, therefore, regard my calculations, not as giving accurate results, or even close approximations, but merely as illustrations of my argument, that the shrimp fishers at Annan on the Solway have nearly exterminated the flat fish, and driven away the cod and haddock from the Irish Sea.

There is no occasion to tax the memory of the "oldest inhabitant" on the point. We all know that till a comparatively late date fish was abundant in the deep waters and round the coast of the adjacent sea. But to confine myself entirely to what has come within the scope of my own personal observation, I will state what was the former abundance of fish, and what is the present scarcity of it, between the mouth of the Nith, below Dumfries, and the river Dee, below Kirkcudbright, on the Scotch side of the Solway Firth.

Forty years ago, and down even to 15 years ago, the inhabitants of that coast depended greatly upon fish, not as an article of sale, but as an important portion of their daily food. Every cottager had ample stores of dried fish, hung in rows and festoons from the ceiling or rafters of his cabin. Many of them had nets of their own, or he could always borrow one, or go to fish with some one who had one. In the parishes of Colvend and Southwick, where the tide recedes a great way from the shore, leaving miles of sand exposed

exposed at low water, nearly every farmer had a net, and caught incredible quantities of flat fish, flounders, soles, turbot, and skate in the season.

Two men would go down to the sands with a cart, as the tide began to rise. Wading into water together up to their necks, they then separated, spreading and extending a draught net about 40 or 50 yards long. This they drew towards the shore till they reached the dry sand, on to which they shook the captured fish. On a windy day, when there was considerable disturbance of the water, two such men, in a couple of hours would fill the body of their small country cart with the finest of the fish. Only the largest and best were selected. The soles and turbot were carefully rejected. One of the small carts could not have held much less than from six to eight hundredweight.

At Newabbey, a drunken, dissipated, lazy little village, at the mouth of the Nith, the abundance of fish had a prejudicial effect. The labouring population would not work, except in harvest or other very busy time. Sandy's great passion, and almost sole occupation, was fishing with the "halve," up to his neck in the rising tide. He mostly kept a pig or two, which, with the dried fern, road scrapings, and other materials collected by the wife and children, enabled him to have a large dunghill. For the sake of this dung any farmer would give him as much land for potatoes as he could manure properly; doing all the horse-work, ploughing, harrowing, and carting free, leaving Sandy nothing to do but to weed the potatoes, and dig them up as soon as they were ready, when the farmer carted them home for him. He had always plenty of potatoes for his family, and to feed another pig or two. His "halve" supplied fish, fresh or dried, summer and winter, as "kitchen" to the potatoes; harvest work paid his rent; the pigs clothed him and provided any groceries he wanted, and a frequent salmon in his "halve" kept him pretty well supplied with whisky; so he was quite independent, and would only work as a great favour. All that is changed now—there are no fish, and Sandy has to work.

Eight years ago I took a cottage on the seashore, in the parish of Colvend. To my great surprise and disappointment, I found that, in a place where but a few years before any one would have given me as a compliment as much or many flounders and soles as I could eat, and where, in the season, I could have bought a cod fish as large as a three-years-old child for 9 *d.* or 1 *s.*, I could not for love or money procure a bit of fish. I inquired the reason, and was told the fish had bodily deserted the coast. First, the flat fish became very scarce; then the haddock totally disappeared; and after them the cod, which, if not gone entirely, were very rare; and if one chanced to be caught by any of the lads, it was so poor and flabby as to be scarcely worth the eating. The disappearance of the two latter kinds of fish, I thought, I could easily account for. I knew that a young flounder was a killing bait for them, and from that I concluded that, in their periodical visits, they depended greatly for their living upon flat fish, but if they had become very scarce the cod and haddock would naturally avoid grounds where there was no other prospect for them but starvation. I may be wrong or not, but I was satisfied with the theory for the time.

Allowing, however, that I was correct as to the other fish, how was I to account for the flat ones? I came to the hasty conclusion that they, like the herrings, had some unaccountable reason of their own for temporarily changing their grounds, and had probably retired to the other channels of the Solway, or into deeper water, or perhaps to the Cumberland side of the Firth, and that it was only necessary to follow them to their new grounds.

Acting on this idea, to gratify my own hankering for fresh fish, to confer what would really have been a favour to the neighbourhood by keeping it supplied with that article, and perhaps, too, to put a little money into my own pocket, I determined to purchase a trawl boat, the first one ever on that coast; and I did so. I bought a boat in Liverpool, brought her and two men to Colvend, and set them to work fishing in the nearest deep channel to the Scotch side of the Firth. The boat was out two tides on her first trip. I was very sanguine of success, and watched her arrival with high but most fallacious hopes. I expected at least half a ton of fish. The produce was 27 skate, one sole of half a pound weight, and about a score of flounders the size of a child's hand. Again and again we tried, with no better, sometimes with less, success. Well, get into the "Scotch gut" (the deepest channel of the Solway). No better. Try the Cumberland side; still the same. About that time I had occasion to visit Whitehaven and Maryport, when I found that the Cumberland coast was quite as destitute of fish as the Scotch one, though only a few years before as bounteously provided.

There must be some cause for this. Had their food failed from some unknown reason? It is very probable. Then what do they live on? I opened the stomachs of several of the few fish we caught, and examined the contents, which I found in most part to consist of small shell-fish, mussels, cockles, periwinkles, and a number of others of which I know neither the common nor the scientific names. How the flounders and soles contrived, with their soft though leathery jaws, to crack the shell-fish, I could not tell. Their powers of digestion I envied; but it appeared to me pretty evident that shell-fish formed their principal article of food. Was there, then, a falling off in their supplies? Had any unknown calamity overtaken the shell-fish? No, there were scores of acres of mussels from the size of a split pea upwards, thousands of acres of cockles, and innumerable millions of periwinkles. In one place, on a vast sand-bank, I counted on a space my hand covered, upwards of 100 cockles the size of peas, and every place I tried seemed to be equally well stocked. Walking along the sands at low water, my attention was attracted by a peculiar black deposit on the surface, extending for miles. I scraped some of this off the muddy sand, took it home and washed it, when I found it to be composed of young periwinkles. There was then no scarcity of food; therefore, there must be some other cause for the decrease of fish.

I persevered with my boat at considerable expense for some weeks, not only without success, but without the hope of it. I had her on my hands, however, and hearing that the fishing was pretty prosperous at Annan, I sent her there, occasionally visiting the place myself. The fishing at Annan, except at times, to which I will allude directly, was not, I found, for flat fish, but for shrimps, so I fitted up my boat as a shrimper; and, at the risk of being more tedious than I feel I have been already, I will conclude her history.

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The terms between the owner of a boat and the fishermen are, one half of the fish to the men, the other half to the boat. I found that, though my two men could live very comfortably on their half of the fish, and could spend a good deal of money in the public-houses, the boat's share, or supposed half, could readily be represented, after deducting claims for repairs and expenses, by the algebraical formula of $x+y-y+x$. I was a very fair calculator myself, and a pretty good accountant, but someway I was too thickheaded clearly to comprehend my men's arithmetic; and, as I could not spend enough of time in Annan to enable me to master their system of accounts, I acted I dare say very foolishly, but I sold the boat.

During my short stays in Annan, I saw and heard some things which led me to suppose that I had some clue towards solving the mystery of the decrease of fish. This is the history, as by careful inquiry I made out, though I cannot give you the exact dates, for want of my original notes. Some seven or eight years before my visits to Annan, consequently 16 years ago, a number of small fishing boats from Poulton, in Lancashire, came into the Solway, as they had been in the custom of doing for several years, to fish for herrings. That year, as they have done ever since, the herrings deserted the Cumberland coast. The men were disappointed, desponding, and half-starved. One boat had accidentally brought her common trawl with her, and the men, partly from idleness, partly because they wanted something to eat, threw the net overboard, and began to fish. The sea was alive with flat-fish. In two hours the men caught 500 stones of fish, or as many as the boat could safely carry. Other boats joined in, and then began the destruction. There was no market for half, or a quarter the fish they caught. The low wholesale price in Lancashire, and the expense of carriage, when the markets were flooded with fish, made the business anything but profitable to so many boats, and the evil would soon have corrected itself. But, unfortunately, the Poulton men discovered that shrimps abounded in the channels of the Solway in enormous quantities, and that for shrimp fishing there was not a part of the United Kingdom in which they could fish thus so safely and so profitably. Protected at low water up to half tide by the sinuosity of their courses, and by the high sand banks left dry, the deep channels of the Solway are quite safe for the shrimping craft almost every day in the year. They have now got a fleet of perhaps the fastest boats in the world. Dropping down with the ebb, fishing with the last of it at slack water, and at the first flow, they run up again to Annan, even in the wildest weather without accident. There has been no casualty among them since their first starting, except about two lubbers who could not swim, and have fallen overboard.

Simultaneously with the arrival of the Poulton men at Annan have the fisheries of the Solway fallen off, year by year, date by date, till the fish are almost extirpated.

I noticed immediately that a great proportion of the contents of the shrimp trawls was composed of the fry of the various kinds of flat fish. What proportion the fry bore to the marketable shrimps I could not tell at the time, nor have ever been able accurately to ascertain since. The small shrimps are riddled out by wire riddles alive. Picking out the flat fish whilst still living is far too troublesome to the fisherman or his wife, therefore they are boiled with the shrimps, and sorted out afterwards.

After witnessing the wholesale destruction of these little fish, it occurred to me that there was at least presumptive evidence that the Poulton shrimpers had destroyed the fish in three different ways.

Having arrived at this conclusion, when I returned home I got a hand shrimp-net made, and tried a little fishing myself in a locality known to be a favourite resort of shrimps. In a short time I netted a sufficient quantity for my purpose. Riddling out the small ones, I had two quarts of good marketable shrimps, but I had also nearly a quart of young flounders, soles, and other fish, from the size of a sixpence to that of half-a-crown. On weighing a choice sample, I found that it took more than 200 to weigh a pound.

Now I come to my calculations, on which, as I told you before, you are not to place the slightest reliance, as they are loose, and not founded upon any real solid data more than what I have told you. It is possible I may be right, but probabilities may be against me. I intended to go to Annan, and thoroughly test my assumptions on a large scale, by carefully separating the fry from the shrimps caught by my own boat, and thereby verifying by practical proof the theory I have assumed; but ill-health and other causes prevented me.

Now, then, to my calculations. Wild as they may be, there may still be something in them worth considering. I had nearly half as many fry as I had shrimps in my experiments. That is probably too many, judging from what I saw at Annan. I will, therefore, assume only one-fourth. At the time I speak of there were 42 shrimpers at Annan. The average fishing for a tide was reckoned the full of a flour barrel, or 80 quarts; also the flour barrel held 18 stone of flat-fish. Now, allowing there were 40 boats catching 40 barrels of shrimps, and that for every barrel there was one quarter barrel of young fry, we have 10 barrels of these, which at 18 stones per barrel will give a weight of 22½ cwt. of fry destroyed at one tide. Don't consider me quite insane if I proceed any further with these calculations. I may be touched a little, but I am not irretrievably gone. Well, then, 22½ cwt. = 2,520 lbs. The small fish 200 per lb., therefore we have 504,000, or more than half a million of fish, destroyed in one tide. For the reasons I gave, the Solway channels are so well sheltered from storms that I do not think there are 50 days in the year on which the shrimpers cannot make one tide (sometimes they make two). I don't think I am far astray when I say that, leaving out Sundays, holidays, and stormy days, the fishermen make less than 260 tides in the year, allowing nothing for duplicate tides. Again, there were not always 40 boats at Annan: some went off to herring fisheries or other speculations occasionally; but I think the average of boats on the Solway would, at the time, be about 30. Resuming this wild calculation, then, we have 30 boats, each destroying 4½ stones of fry for 260 tides in the year. In one tide 63 stone, or 1,890 lbs., equalling, at 200 to the lb., 378,000 young fish destroyed. That number multiplied by the number of tides, 260, gives a grand total of extermination per annum of 98,280,000—nearly 100 millions of fish. Carrying this foolish calculation further, and allowing

allowing, merely for the sake of illustration, that these fish grew up (as they don't) to the old marketable size of one pound each on an average, we have then the astounding quantity of 43,875 tons of fish destroyed for the sake of a trifling quantity of shrimps. I know this is very absurd, but is there not something interesting, and perhaps important, at the bottom of all this mass of folly?

Mind, at the time I made my calculations the mischief was done; the Solway was comparatively destitute of fish. What would my calculations have been had I experimented seven years previously? The destruction is incalculable. Some of the men told me that when first they came there the sea was so alive with fish they could scarcely force their boats along. That, of course, was an exaggeration, but it shows what abundance of fish once existed in the Solway Frith; and now I ask the simple question, is it possible that any fishery could exist with such a continuous drain upon it as the one I have named?

But that is not all. The interminable shoals, channels, and guts of the Solway are, I believe, the great breeding grounds of the flat-fish of the whole Irish Sea, or at least of the northern portion of it. My reasons for this opinion are that, scarce as the fish are at all other times, they crowd up to upper part of the Solway in their spawning season, and are caught wholesale. At this time there were always two or three boats engaged in trawling them. More would have tried except for the fact that more would have over-stocked the market. I have seen myself two boats come in in the morning, one with 90 the other with 100 stones of plaice full of spawn. Of course this is another source of destruction.

I think I have shown evils enough, but there is yet another left. The few fish which escape the trawlers spawn in peace, but the eternal dragging of the shrimp nets must knock the spawn about and expose it to the innumerable shoals of shrimps which, notwithstanding the incessant efforts of the trawlers, now that there is nothing but man to eat them, are more numerous than ever.

I have now given you my views, lame and insequitent as they may be, why fish are scarce. If I have thrown any light, however feeble, on the subject, I shall be glad; if not, I have only dirtied a few sheets of paper.

If there is anything in what I have said, the Commissioners of Fisheries could test it easily enough; not by experiment (it is too late for that), but in any amendment Act giving them powers to forbid any trawling whatever in the Solway Frith, and utterly and for ever abolishing shrimpers. Two or three years (I don't know how long it takes a flat-fish to grow to a pound weight) would test the correctness of my opinions. Whether they do it or not, I am stubborn enough to maintain that my theory is pretty right till it is practically proved, by abolishing the shrimpers, that I am wrong.

This is quite at your service to read to any one, if you can read it, but it is in too rough and crude form to be made public; therefore I do not sign it.

I am, &c.
(signed) *J. Copeland.*

James Redmond Barry, Esq.

LETTER from Mr. *R. Forster* to Mr. *Barry.*

Dear Sir, Howth, 22 June 1867.

IN accordance with your request, I offer a few suggestions as to improvements which I consider requisite, so as to give increased accommodation to the large fleet which now make Howth their head-quarters.

In the first place, during the winter months, it is often unsafe to leave the boats in the harbour, and I would suggest the formation of an inner harbour on the east side, capable of accommodating 200 boats. I would suggest that any boats making use of this harbour, should be subject to a fixed charge; arrangements might also be made that the western side should be used as a pier for landing fish, as increased accommodation may hereafter be required.

The removal of the rocks, and other impediments in the harbour is daily becoming more a matter of necessity, and last year was the cause of serious injury to many boats.

Whether the operations of the steam-dredge are effective or not I cannot offer an opinion; but I cannot help remarking that a feeling exists among fishermen, that emptying the barges right in the mouth of the harbour may have the effect of creating an obstruction far more dangerous than what is being removed; and if it is to be continued, I consider that a practical naval authority should report monthly as to soundings, &c.

With regard to any form of agreement which may be made compulsory by Act of Parliament, I would remark that the men being paid upon shares, has at petty sessions caused the question to be raised, whether they are partners with the owners; and acts of dishonesty in not accounting for proceeds of sales of fish, have thus escaped punishment; unless, therefore, some clause is added, stating that notwithstanding the form of remuneration, that the men are as liable to punishments for any acts of fraud, as if they were working for wages, I feel convinced that a great impediment will exist in the extension of the fisheries, and great loss accrue to men and owners from the constant, almost weekly, change of crews, and which nothing but an agreement will prevent.

I remain, &c.
(signed) *Robert Forster,*
General Manager,
Irish Sea Fishery Company (Limited).

James Redmond Barry, Esq.,
&c. &c. &c.

App. No. 1.

Oyster Fisheries, South-east Coast of Ireland, from Wicklow Head, in the County of Wicklow, to Carnsore Point, in the County of Wexford.

Close Season.

We, whose names are hereunto subscribed, being Commissioners of Sea Fisheries, acting in execution of an Act passed in the Session of Parliament of the 5th and 6th years of the reign of Her present Majesty, intituled "An Act to regulate the Irish Fisheries," and the several Acts since passed amending the same, upon application made to us for the purpose, and having made the necessary inquiries, and taken the necessary preliminary steps for the purpose, in pursuance of the powers and authorities in us vested in that behalf, do hereby decide and appoint that upon the south-east coast of Ireland, extending from Wicklow Head, in the county of Wicklow, to Carnsore Point, in the county of Wexford, the respective periods authorised and directed by the said Acts, or any of them, as the close time of the oyster fishery, upon that part of the south-east coast of Ireland aforesaid, shall cease.

And we do hereby give notice that the authority given by the Commissioners, and bearing date the 22nd April 1846, for taking oysters from all or any of the natural public beds lying below the level of the lowest water of spring tides, on that part of the coast of Ireland from Wicklow Head to Raven Point, north of Wexford Harbour, for the purpose of replenishing and supplying artificial oyster beds or layings, or other beds or layings, shall also cease.

And we do hereby further decide that the close time, during which it shall not be lawful to dredge for, take, catch, or destroy any oysters or oyster brood, on or off the south-east coast of Ireland, between Wicklow Head and Carnsore Point aforesaid, shall be between 30th April and the 1st October in each year.

(signed) *J. G. M'Kerlie,*
Wm. R. Le Fanu,
Two of the Commissioners of Public Works and Sea Fisheries in Ireland.

J. Redmond Barry,
Inspecting Commissioner of Sea Fisheries in Ireland.

Dated at the Office of Public Works, Dublin, this 11th day of April 1865.

MEMORIAL.

To the Commissioners of Public Works, Harbours, &c., in Ireland.

The following Memorial of the Inhabitants, Boat-owners, and Fishermen residing in and near Howth, or resorting thither in the Fishing Season,

Respectfully showeth,

That it is absolutely necessary for the properly carrying on of a productive Coast Fishery that the Harbour of Howth should be thoroughly cleansed of the accumulated dirt which, for years, has been allowed to collect in large masses, both at its mouth and through its entire area, thereby rendering entrance almost impossible and anchorage insecure. The place from which the removal of the dirt and rubbish is imperatively required is the space between the new church and the railway station, as there would be in that place sufficient room and quayage for the boats to land and pack their cargoes of fish, and have speedy transit to the market therefrom. The following points of improvement are those which your Memorialists respectfully consider would be of the utmost importance collaterally with the so much needed general cleaning out of the harbour:—

1. The mouth of the harbour to be cleared of the loose stones that were washed in at the time of the great easterly gale, when the lamented Captain Boyd was lost. In consequence of those stones, vessels cannot enter the harbour at low water, and are obliged to remain outside, at imminent risk.

2. The dredging now in progress between the pier and the new church is not so immediately necessary, inasmuch as there has been no apparent deficiency of water there lately, nor has there been any recent complaint of deficiency.

3. The portion between the new church and the railway station is most in need of dredging, there being from six to eight feet of stuff in that part in which the greatest traffic occurs, viz., where coal vessels and fishing smacks take their berths. This, from its proximity to the railway terminus, is the most important portion of the required improvement.

4. On the east side—from the lighthouse to the elbow of the pier—requires dredging, as there is a great mass of mud lodged in that place, where formerly vessels of large tonnage used to lie at low water.

5. The rocks in the centre of the harbour are most dangerous, several accidents to boats having occurred by their being grounded, and in some instances totally wrecked. Those rocks, which are two to three feet above low-water level, could be easily quarried out of that place, and removed for building purposes at a cheaper rate than to bring stones from Kilrock, and keep that road in repair.

6. The

6. The wall that is being built under the town to keep in the mud will be most dangerous to vessels coming in during north-east winds. All the vessels that put in there during the February gale of 1861 were saved by beaching, whereas, if the wall had been there at that time the vessels would have been smashed against it.

7. It would be necessary to construct a wall about 100 yards in length, extending from the rocks called the Molly Piles, on a line with the lighthouse, with a small elbow turned towards the west, in order to shelter boats during south-east gales, and to enable them to be repaired in safety. At the mouth of the harbour there are several thousand tons of loose stones which would be admirably adapted to the building of this wall; and the fine cut stone lately taken from the west wall would be well suited to the facing of the wall herein suggested. A quantity of available stone is also easily procurable from the Murr and Cannon Rocks.

8. The mud that is being shifted in under the town is a nuisance, and most offensive and disagreeable to the inhabitants. If a small tug boat and a few trap bottom flats were engaged, this mud could be removed out of Ireland's Eye for one-half of the present expenditure, and the dredge boat could be kept working 12 hours per day instead of two hours as hitherto and at present. All that has been done since the commencement of the present works is comparatively useless, the stuff having almost all disappeared, which fact your Memorialists can testify. App. No. 1.

And your Memorialists respectfully and humbly request that, taking the facts contained in the foregoing statements into your favourable consideration, you will be pleased to direct such works to be forthwith commenced and carried to completion, so as to make their once commodious harbour fit for the traffic for which, by its position, it is so admirably adapted.

And your Memorialists will ever pray.

Appendix, No. 2.

PAPERS handed in by Mr. *J. Redmond Barry*, 27 June 1867.

LETTER from the Rev. *D. O'Sullivan* to the Board of Trade.

App. No. 2.

Ballycotton, Cloyne, Ireland,
10 March 1860.

Sir,

I BEG leave to transmit herewith a "list of casualties by shipwreck in Ballycotton Bay, from November 1838 to November 1859," and will thank you to call the attention of the Board of Trade to its details of the lamentable loss of life and property during the comparatively brief period of 21 years, and further to submit, for their Lordships' consideration, a plan calculated to prevent a recurrence of such fearful disasters in this locality.

I have ascertained the tonnage of each vessel, the quantity and nature of the cargo on board when wrecked, and the value of the several articles of merchandise at the time, and, after a most careful calculation, consider the loss to amount at least to the sum of 131,960 *l.* sterling, as shown in the list.

Seven of these vessels were bound for Cork, two had left Cork, and there can scarcely be a doubt that all tried in their distress to make Cork Harbour, but, being to leeward of this port, failed in the attempt, and were wrecked here, because the roadstead, in its present condition, could afford them no shelter.

The trade of Cork has been more than doubled during the past few years, and as the number of vessels frequenting that port increases, it is obvious the danger of shipwreck on this coast will increase in the same ratio.

To what extent the new Commercial Treaty will affect the trade of Cork cannot yet be calculated, but it is certain such a measure will rather increase than diminish it.

Moreover, the Liverpool and American mail packets on their outward and homeward voyages call now at Cork, twice each week, and the history of some vessels, steamers especially, wrecked here, proves but too painfully that some of these packets may at some time find it convenient, if not absolutely necessary, to take refuge in Ballycotton.

To avert the occurrence of such calamitous losses, I would propose to make Ballycotton a harbour of refuge by connecting the little island with the mainland, and running a pier from the north side of the island 300 yards or so into the sea.

The roadstead offers an anchorage unsurpassed by any in the United Kingdom as a holding ground, and this work would protect it from the prevailing winds which render it unsafe at present.

Between the small island and mainland is a bed of rock, dry at low water, and the cost of the entire work could hardly reach 25,000 *l.* This is a small item when compared to the enormous sum of nearly 132,000 *l.* lost in 21 years.

As a commercial and mercantile matter of economy, the construction of such a work is palbably one of plain, common sense, and if the advantages to be derived from the plan I have proposed be still neglected, it is clear from what I have stated that the loss may be much more in a future corresponding period.

I have omitted all mention of the loss of 25 lives, as I consider it utterly needless to urge such an ill-important point with a Board continually devising means for the preservation of the lives of our fellow creatures.

I have, &c.
(signed) *D. O'Sullivan*, Clerk,
Incumbent of Ballycotton.

To the Secretary,
the Marine Department,
Board of Trade.

LIST of CASUALTIES by Shipwreck in *Ballycotton Bay*, from November 1838 to November 1859.

VESSEL'S NAME.	Rig.	Year.	Number of Men Drowned.	Whether Total or Partial Loss.	Distance from Shore where Wrecked or Stranded.	Cargo.	Where from.	Destination.	Estimated Loss.
									£.
1. City of Bristol	Steamer	1838	nil	Floated off	500 yards from high-water mark.	General	Bristol	Cork	500
2. Magnificent	Schooner	„	nil	Total loss	Under cliff	Arms and ammunition.	Liverpool	Coast of Africa	6,000
3. Clementine	Barque	1839	nil	ditto	About 100 yards from cliff.	Cotton, Copper Ore.	Cuba	Liverpool	23,000
4. Earl of Roden	Steamer	1843	nil	ditto	ditto	General	Cork	London	13,000
5. Mary Jane	Schooner	1844	nil	Floated off	About 50 yards from shore.	Coals	Newport	Cork	100
6. Prince Albert	Schooner	1845	nil	Total loss	Close to cliff, on small island.	Salt	Liverpool	Castletownsend	1,000
7. Sangney	Barque	1846	nil	Sold, and got off	About 50 yards from shore.	Deals	Miramachi	Liverpool	10,000
8. Jessie	Sloop	1846	nil	Total loss	About one mile from shore.	Grain	Limerick	Glasgow	800
9. Sirius	Steamer	1847	22	ditto	Close under cliff	General	Dublin	Cork	40,000
10. Falcon	Schooner	1848	1	ditto	ditto	Indian Corn	Valencia	Cork	5,600
11. Hebe	Barque	–	nil	Towed off, dismasted.	One mile from shore	Wheat	Odessa	Cork	15,000
12. Fame	Smack	1849	nil	Total loss	About 200 yards from shore.	Indian Corn	Cork	Youghal	660
13. Victoria	Schooner	1850	nil	Floated off	30 yards from high-water mark.	Coals	Newport	Cork	200
14. Porto-Nova	Schooner	1852	nil	Total loss	ditto	Indian Corn	Tirceria	Cork	1,800
15. Choice	Barque	1855	nil	Discharged and got off.	500 yards from shore	Barley	Alexandria	Dublin	3,500
16. Imporio	Ship	1857	nil	Total loss	Ballycotton Sound	Coals	Newport	Jamaica	2,600
17. Ellen	Schooner	–	nil	Floated off	400 yards from shore	Salt	Glo'ster	Kilrush	1,600
18. Francois Xaris	Barque	–	2	Total loss	High-water mark	General	Havre	Lisbon	6,000
19. Merchant	Schooner	1859	nil	ditto	ditto	Coals	Cardiff	Kinsale	600
20. Pandora	Schooner	1852	7	ditto	Under rocks	Indian Corn	Black Sea	Unknown	3,300
								£.	131,960

LETTER from the Board of Trade to the Rev. *D. O'Sullivan.*

(3437.)

Office of Committee of Privy Council for Trade,
Marine Department Whitehall,
22 March 1860.

Sir,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 10th instant, suggesting the formation of a harbour of refuge at Ballycotton.

I am to acquaint you that this Board have no power in a matter of this kind. But whatever may be determined as to the general question of harbours of refuge, my Lords do not consider the case of Ballycotton one in which public money should be expended for the purpose of making a harbour of refuge there.

I am, &c.
(signed) *T. H. Farrer.*

The Rev. D. O'Sullivan, Ballycotton, Cloyne, Ireland.

App No. 2.

Sea Fisheries, Ireland.

MEETING to consider Complaints of Loss and Injury sustained by the Long-Line Fishermen of *Bear Island*, in the County of *Cork*, through the Destruction of their Gear by the Trawlers on the Southern Shores of the Island, and to define, if possible, certain Limits within which the use of Trawls should be prohibited, in order to enable the Long-Line Fishing to be pursued without damage or interference within those Limits.

Court-House, Castletown, Bearhaven, Wednesday, 20 May 1867.

J. Redmond Barry, Esq., Inspecting Commissioner of Fisheries, presiding.

Present—The Rev. A. Moynahan, Mr. Germaine, Mr. Nicholson, Mr. Harrington, Mr. Swanton, Mr. M. J. Murphy, Captain Hungerford, late chief officer of Coast Guards, Mr. Lyne, and a large concourse of fishermen.

The proceedings commenced by the reading of the following documents:—

To the Secretary to the Board of Fishery.

Bear Island, Bearhaven,
Sir, 15 April 1867.

We, the undersigned inhabitants of Bear Island, most respectfully beg to state that we are subjected to considerable loss through having our long lines cut away by trawlers on the south side of Bear Island, which come occasionally within half a mile of the shore, regardless of the buoys marking the lines; four sets of lines, averaging 31 *s.* each, have been destroyed in this manner within the last month. The property which is thus destroyed is a severe loss at the present trying time to those who are looking to it for their chief support; one man who has suffered has his family and six orphans to provide for; some could not replace the loss for the year; some of us who have escaped are shooting our lines at night, and hauling them at daylight rather than risk the loss.

What we would most respectfully request is, that they might have certain grounds struck out for them to trawl on, so that we might be able to pursue our own mode of fishing without damage or interference. We would most earnestly beg that you will kindly take the matter into consideration, and cause it to be inquired into.

We would also beg to suggest if it might not be desirable for the usual fishery meeting to be convened at Castletown instead of Bantry, as we would most gladly attend if it was within reach of our time and means.

We have, &c.
(signed) The Fishermen of Bear Island.

To Captain Harper, Inspecting Commander.

Castletown, Bearhaven,
Sir, 2 May 1867.

I have the honour to return herewith the petition of the inhabitants of Bear Island, which accompanied your communication dated 23rd ultimo.

In the absence of the by-laws relating to the fisheries in Bantry Bay, and not being in a position to command the attendance of the proper parties from whom to obtain reliable testimony (which I would consider indispensable to be on oath, if practicable), I feel a difficulty in determining the course I would recommend to be pursued.

Should the Commissioners not order a meeting to be convened at Castletown, as prayed for in the petition, I shall use my best efforts to obtain further information on the subject of the petition, and report accordingly.

I have, &c.
(signed) *Henry Harper*, S. Cr. D. O.

To E. Hornsby, Esq., Secretary,
Commissioners of Fisheries, Custom House, Dublin.

Perm Hill, Weston, near Bath,
Sir, 1 May 1867.

I have received the enclosed memorial from my tenants in Bear Island in Bantry Bay, complaining of the damage done to their lines by the trawlers, who for the last year or two have frequented the harbour of Bearhaven and the fishing ground round the island, and have completely destroyed the trade of the poor people on the island, whose means of existence depends so largely on the produce of their fishing ground. I am not acquainted with the laws regulating the use of trawls, but I am advised that the act of the trawlers in this case is illegal; anyhow it is most unjust; and I put the case at once before the Commissioners of Fisheries, and most earnestly request them to cause immediate investigation to be made into the circumstances attending the enclosed memorial; and if the trawlers are found to be in the wrong, that they will give orders to the proper authorities to prohibit any such proceeding for the future, and to afford to the poor fishermen on the coast that protection which the law affords them.

The late inclement season has caused very great distress all over the south and south-west districts of Ireland; and as along the coasts the only chance of keeping many of the inhabitants from starvation depends almost entirely on their fishing, the redress from the wrongs complained of in the enclosed memorial requires to be speedy and effectual; and I shall esteem it as a great favour if the Commissioners will order the matter to be at once put right, so as to allow the poor fishermen on the coast to reap the benefits of their fishing ground during the summer months.

May I request you to place this communication before the Commissioners on the first day that their Board sits?

I remain, &c.
(signed) *Charles P. Clinton.*

The Secretary to the Fisheries Commission,
Custom House, Dublin.

(Enclosure.)

To the Right Honourable Lord *C. P. P. Clinton.*

My Lord,—The memorial of your Lordship's Bear Island tenants who are engaged in long-line fishing, humbly prayeth that, whereas we are in a great measure dependent on the produce of our fishing for support, and are of ourselves powerless to prevent the destruction of our trade and gear by trawlers, your Lordship interpose your powerful influence to protect us from what we believe to be one of the greatest wrongs ever perpetrated on unoffending fishermen. Prior to the use of trawlers here, we easily procured as much fish as enabled us to pay our rent, and leave us a considerable surplus; now, at our very doors, we are compelled to witness the wealth which properly belongs to us, carried off by others who will not even allow us to participate; for if we shoot our lines they are almost certain to be torn away by trawls. The severity of this winter having prevented the trawlers from continuing their operations in the bay, we were allowed to prosecute our fishing for a few weeks without molestation, during which time some of us have had 5 *l.* worth of fish to our share; but immediately on the return of favourable weather came the trawlers, who destroyed our lines, and thus compelled us to relinquish a most lucrative employment, which would compensate for the failure of our potato crop, and enable us to live till next harvest. Memorialists therefore humbly pray that the trawlers be confined to certain limits beyond which they may not come nor we trespass, and memorialists, as in duty bound, will ever pray.

Dated this 23rd of April 1867.

NOTICE OF MEETING.—SEA FISHERIES.

Whereas a memorial has been received from the long-line fishermen of Bear Island, in the county of Cork, complaining of continued loss and injury sustained by them through the destruction of their fishing gear by the trawlers on the south of the island, and praying that certain limits may be defined within which the use of trawl nets shall be prohibited, in order to enable the long-line fishing to be pursued without damage or interference within these limits: Notice is hereby given, that the Commissioners of Sea Fisheries, in exercise of the powers given to them under the 5th & 6th Victoria, chapter 106, and its several amendments, will hold a public meeting to inquire into the subject, in the Court-house, at Castletown, Bearhaven, on Wednesday, the 29th instant, at the hour of one o'clock, afternoon, of which all parties interested are requested to take notice, in order that they may tender such evidence as they may consider necessary.

And, Notice is hereby further given, that the said Commissioners will, at such meeting, hear and receive all such pertinent evidence as shall be offered to them on the matter of the above-mentioned memorial, and proceed at such meeting as in and by said Acts authorised.

By order of the Commissioners of Sea Fisheries,

Edward Hornsby, Secretary.

Dated at the Office of Public Works, Dublin, this 9th day of May 1867.

Mr. *Barry*.] This is one of several meetings which have been held for the purpose of endeavouring to reconcile, or at all events, regulate two modes of fishing about which there has been always a difficulty, and which seem to be almost all but incompatible with each other when prosecuted upon the same ground. The question is a very vexed one, and in no place have we found it so difficult to arrange as in Bantry Bay. On the receipt of the memorial of the 15th April, which has just been read, it was, on my recommendation, referred to the Inspecting Commander of Coast Guards, whose opinion was asked as to any further by-law or regulation he could suggest which might give protection to the long-line fishermen without unduly interfering with the trawling on the open ground, bearing in mind that the occurences complained of had taken place in an open part of the bay where trawling was not interdicted by the by-law of March 1858. The Inspecting Commander, and subsequently Lord Pelham Clinton, suggested an immediate inquiry, and the Commissioners at once acceded to the request, in the hope that some course of proceeding might be devised by which the two modes of fishing could be carried on without loss or damage on the one side, or injurious interference on the other. Of late years the complaints are constant of the great deterioration of the fishery of this bay. This is attributed by some to one cause, and by others to a totally different one; but whether traceable to trawling, or to the capricious habits of the fish, or to the changes of climate and temperature which have taken place of late years, or to whatever cause it may be assigned, we only know and are sorry to find that there is a considerable deterioration in the fishery of this bay, which was at one time most remarkable for its productiveness. The complaint, in the present instance, arises from an alleged interference with the long-line fishing in the lower part of the bay, which is not at present subject to any by-law, and which is open to both modes of fishing at all times and seasons. It will be my duty in the first place to see if the complaint is well founded; and, secondly, if well founded, whether a remedy cannot be applied, and an arrangement made, which, if possible, will not be injurious to either of the interests at stake. App. No. 2

The Rev. Mr. *Moynahan*.] The duty of appearing before you to-day, Sir, on the part of the long-line fishermen of Bear Island, has been unexpectedly thrown upon me at the last moment, and I am extremely sorry that it has not fallen into better hands. The case was to have been submitted to you by Mr. Wright, the agent of Lord Clinton, who is intimately acquainted with all the facts, and who takes a deep interest in the question; but it was only yesterday I received a communication from him stating that business of an urgent nature required his attendance at Cork, and requesting that I would take his place, and urge the necessity of redressing the evils complained of by those poor men. But the case is not one requiring any lengthened observations from me; it is fully and forcibly set forth in the memorial which this gentleman has read, every word of which will be proved to your satisfaction. The long-line fishermen of the island are numerous and hardworking; they represent so much as 200 families, and if not properly protected in the pursuit of their calling, these 200 families have nothing before them but the bleak prospect of the poor-house, or emigration to some distant land. The rents they pay for their little holdings are rather high, so high as 3*l.* a cow; most of them live entirely by fishing; and for all the fishing is the principal means of livelihood. A string of long lines costs about 30*s.*, and the loss of such a sum is very considerable to men of their very small means; such a loss it is utterly impossible for some of them to replace; while the damage once occurring deters all from running the risk of such danger again; and thus the whole fishing, which means their principal support, is utterly lost to them. The complaint is that by the action of the trawlers, who are few in number, and are persons of means, and have other resources, they are prevented altogether from fishing, because, as they fish at the same place and at the same time as the trawlers, if they shoot their lines the trawlers come down upon them and sweep away their gear. Some of them have no resources for the purchase of another string of lines, and if they had, there is no guarantee for their safety; if they shot the new set again the trawlers would come down on them and carry them away. It will be proved that on the occasion referred to in the memorials, when the lines were swept away, the men called out to the trawlers to change their course, but they would not; they replied that they would fish in spite of them, and then they mercilessly carried away all the poor men's means of living. The fact is that the two modes of fishing cannot be carried on in the same place, and the trawlers who come from a distance should be obliged to give way to those who are the more numerous and more dependent on the fishing for a livelihood. If the trawlers run at the same time upon the same ground the long-line fishermen must give up their calling; and if so, they must give up all means of living; and there is nothing for them but the poor-house, or flight to some other land. Under these circumstances, I ask you, in the name of common justice, to save these well-deserving people from so sad a prospect, and prohibit trawling altogether on the ground where these men can alone find a living, as the only means that can be effectual to secure the long-line fishing being pursued without loss or interruption.

App. No. 2.

DANIEL O'SULLIVAN, called by Mr. *Moynahan*; on being offered the book, said he would state the truth, but that he had never taken an oath in his life, and did not wish to do so then.

Mr. *Barry* said his evidence could only be received on oath. His hesitation proved the existence of a conscientious scruple, and his regard for the solemnity of the oath; but it was absolutely necessary that he should be sworn, if his testimony was to be recorded.

Mr. *Moynahan* told him that he need not hesitate about being sworn; that he had only to tell the truth, and that there was no occasion for scruple in the matter.

The *Witness* was then sworn, and examined by Mr. *Barry*: I am in the coast-guard service, and am 42 years of age; I am 21 years in the service. During that time I am six years in Bear Island. I have made observations on the fishing off the island, the mode and time of fishing. I know the place where the long-line fishermen are in the habit of resorting. That place is between Clonaghlin and No. 1 Battery. They set their long lines about a mile or a mile and a half from the shore, in from 20 to 30 fathoms of water. They sometimes use spillers, and sometimes long lines. They generally set them in the morning, but sometimes they set them at night. They leave them shot about an hour or an hour and a half. They then haul them, and bring them ashore. Sometimes they take two shots; but that, I believe, is not the general practice. I was not present at any time when the long lines were carried away by the trawlers. I know of them being taken away, because I saw the lines brought back from Bantry, and was informed that they were the lines that had been taken away by the trawlers. The trawlers come up to the west of Clonaghlin, and put out their trawl, and then they trawl from that on to the east, or towards Lonehort Point. To the best of my opinion, they sometimes trawl within a mile of the shore, and over the ground where the long lines are usually set; but I myself have never seen the lines carried away. I never saw any lines taken by the trawlers. My information on the point is from what I have heard. All the trawl boats are from Bantry. I do not know the boats that took the lines away on the occasion I refer to. I know the names of some of the boats that are in the habit of trawling. The Julia, belonging to Mr. Murphy, is one. I do not know the names of the others, because it is not my particular business. The names of all the trawlers, and the facts of the taking of the lines, are all noted down by Mr. Davis, who is in charge of the station, and he is too ill to attend here to-day. He was taken dangerously ill this morning; the doctor had to be sent for, and he is now obliged to be in bed. He was prepared to be here to-day with all the particulars till he took ill. I am not well acquainted with the trawlers, but he is. Captain Harper, the divisional officer, is not here. He was summoned last night by the inspecting commander to meet him to-day on his inspection.

Mr. *Barry*.] This meeting was held chiefly on the solicitation of the chief officer, and it is very unfortunate that neither he nor any of his men are here to give us any information on the facts of the case as alleged in the memorials and letters.

Another Coast-guard Man.] Captain Harper regretted very much that he was obliged to meet the Inspecting Commander to-day, and the man in charge of the detachment at Bear Island was taken dangerously ill this morning, and is totally unable to attend.

Witness in continuation.] There are about four to five trawlers that trawl occasionally off Bear Island, but I have not their names or the names of the owners. The man in charge has those names in his possession. There are from four to six trawlers in the habit of trawling off the island. Six is the most, and they are all from Bantry. I could not bear their names in mind.

To Mr. *Murphy* (Trawler).] I am six years stationed in Bear Island. I never heard of any lines being taken until this year. The long-line fishermen set their lines with the tide. I have never been present when they shot their lines; but I know that it was with the tide I always shot my lines when I was long-line fishing. I cannot tell what sort of buoys they use to mark the position of their lines.

DENIS NEAL, sworn; Examined by Mr. *Barry*.

I AM a fisherman. I live in Bear Island. I am fishing since I was able to do anything. I have fished with seines, long lines, and trap nets. I am one of those that lost their long lines in April last. I could not tell the name of the boat that took them, as she was a long way off from me. I was in the boat at the time; the lines were set off Lonehort. Some of them were not farther than half a mile, and others one mile and a half from the shore. It was about 12 o'clock in the day, and the four trawlers went right through them and carried them all away. I cannot say if this was done by accident or by design, but I know that they could have avoided the lines if they had a mind. I called out to the trawler that came upon them first, and told her to keep off the course, as the lines were set; but she gave no heed to me, but broke through the lines and carried them off. If they only kept one half mile to the south, they would have kept clear of the lines and done no damage. This took place about one mile and a half from the shore, in 30 to 40 fathoms of water. We are in the habit of taking ling, cod, and haddock with our lines. I had a very good fishing this year up to the time my lines were carried away. There has not been a line shot there ever since, as there was no use going there, for the trawlers would run through us, and we would be only at more loss. Of course we lost our fishing as well as our lines. The four men in the boat with me lost their lines as well as mine. The four strings of lines were taken away. The cost of each string is about 30 *s*.

To Mr. *Murphy*.] My lines were buoyed. They had two dog buoys and a bag buoy. I am sure the trawlers could see them, for they could be seen from the shore. Each string of lines had three buoys. We left them fast to one; there was another in the middle, and another at the end. We do not shoot one buoy to two strings of lines. I know it is no good to the trawler to carry away the lines and buoys. I would suppose it would be rather an injury to his working; but he took them away anyhow. The trawlers can see the buoys well. I was in my boat on this occasion, and the trawlers came down upon me while I called

called out to them, and the four of them went through the lines one after another. There was no other occasion on which they carried away our lines. I fished in that place last year and the year before, and the lines were not carried away, but they never came so close to shore as this and last year. I have not a farm, but my father has about three acres of land. He pays 4 *l.* a year for it. We make the rent by the fishing, and by everything else.

To Mr. *Barry.*] I never knew of the lines being taken away till this year, because they never came so close to the shore, and every day they will go there they will take our lines. I could not go there to fish, and we have no other place, if they are to continue there. We set our nets with the tide, but of course the tide shifts and the position of the nets changes. As sure as the nets are shot in the direction which the trawl will take, they will be carried away. It is not possible for both of us to fish on the same ground, but we have no other means of living, and they have. There never was any difference or quarrel between me and these trawlers. I shoot my lines in the morning, and then go ashore to work; and I come back and lift them in about an hour or an hour and a half. There are from four to six boats long line fishing out of the place where I am. There is only that number fishing with long lines at the east end, and no one complains of the trawlers but the long line fishermen. I do not know how many boats there are altogether long line fishing out of the island, but I think there are about 12 boats altogether at eastern end. I do not know how many there are at the west end.

To Mr. *Murphy.*] I leave the lines shot an hour or an hour and a half. I can see the trawlers coming if I am out, but I would be waiting for the tide. We are altogether confined to this ground at the south-east side of the island, but you can go where you like. I never go over to fish on the south shore towards Glanroon, because our boats are not suited for that, and the weather does not prove fair. I went once and was near being drowned. The only way for the trawlers to keep clear of the long lines, is by making them keep to the middle of the bay, or let them stay away altogether.

Mr. *Barry* (to Mr. *Murphy*).] I think it very unreasonable to ask these line men to leave their own island to fish upon that far distant shore; but cannot the trawlers with their boats of large tonnage fish there?

Mr. *Murphy.*] We would if we could, but the bottom along there is all too foul for trawling. The long-line fishermen from Bantry used to come there some years ago. There are no long-line fishermen in Bantry now.

JEREMIAH MURPHY, sworn; Examined by Mr. *Barry.*

I AM a fisherman, and live in Bear Island, I follow long-line fishing. I heard the last man's evidence in reference to carrying away the lines. Upon the very same occasion the same thing occurred to me. This was on the 5th April last. My string of lines was set and they were taken away. I am told that the boat which took my lines is the "James and Elizabeth" of Bantry, belonging to Mr. Sheppard. Only one boat took the lines at that exact time: that was the first boat; but there were four boats there at the same time, and all went in the same track. I could swear that they could have avoided that if they had a mind. They could see the buoys; they were quite plain to be seen. It is my firm belief that they could have avoided doing that mischief, as they saw me, as they passed from the east, shooting my lines in the morning. I believe that they did it wilfully. I cannot give any reason for their doing it; I had no difference with them. I do not think they had any ill-will towards me, but it was as bad as ill-will when I lost my lines. They had their own interest to serve, I suppose, and they did not care for mine. All I can say about malice or anything else is, that they went there and took away our lines, and they could have kept clear of them. I lost my string of lines on the day I referred to, but I got the greater part back. The loss to me was about 5 *s.*, exclusive of any other loss resulting from my not being able to fish since. They never injured my lines before, but I never before gave them an opportunity of doing any injury to me. Independently of injury to the fishermen by carrying away the lines, and preventing us putting out our lines, I think that trawling injures the fishery by destroying the spawn of the fish, when the trawl is dragged over the banks where the spawn and young fish are lying. I never was on board a trawler when spawn was taken up by it, but it stands to reason that the trawl must take up and disturb the spawn, and it must kill the small fish. I know the Island of Bear well. I know that there are, to the best of my judgment, from 20 to 30 boats engaged in long-line fishing around the Island. I have had a very favourable fishing season this year up to the time I was hindered by the trawlers. Independently of the actual loss we have sustained by the loss of the lines, we have lost the fishing, as we are now afraid to set our lines lest they may be carried away. I was out fishing only four or five days this year before my lines were carried away, and not since, as I did not want to lose them again. I cannot say exactly how much is the most we make by one day's fishing, but I see one boat take 30 *s.* worth of fish in one day —that is, in one haul. We only make one haul in the day. If unsuccessful when we haul we very seldom set the lines again, but if we find the fish running we sometimes set them again. I never remarked as a general rule that we got more at the second than at the first haul. The number of days I fished this year is no test as to the number others fished, because I have a pretty good farm, and do not depend altogether upon fishing. I would have attended, however, more closely and constantly to it, but for the apprehension of the trawlers. I think I could suggest a plan for preventing the destruction of the lines by the trawlers, and that is, by confining the trawlers within a line drawn from the eastern point of Bear Island to the south shore. I would let them trawl from that into Bantry, but not to the west of that line. I complain that they come at all into any part of the bay west of a line drawn south from the eastern point of Bear Island.

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Mr. *Barry.*] I am afraid that is a remedy that will not meet the case, as it amounts to a prohibition of trawling altogether. It is quite clear

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there must be some concession on both sides, or the case cannot be settled with a due regard to both the interests involved.

Mr. *Murphy.*] For my part, and on the part of the trawlers, I say that there is a sole bank south of the island where we fish, and the line men also, which is very productive from February to May, and if we get that for these three months we will give them the whole bay for the other nine months for their uninterrupted use.

This proposition is received with derision by the long-line men, several exclaiming against it at the same time.

Their objection to this arrangement appears to be that this is the very place and these the very months most profitable to the line fishermen.

Mr. *Barry.*] I think this is the time when I should read a letter which we have received from the Rev. Canon Sheehan, who has given the subject a great deal of consideration. It is as follows :—

To the Commissioners of Fisheries.

Gentlemen, Bantry, May 22, 1867.

Finding that a meeting is to be held at Castletown (Bear), on the 29th instant, upon the subject of Fisheries of Bantry Bay, I venture to put before you my views upon this interesting subject. If my other engagements permitted I would willingly attend on that occasion. One of the objects of the proposed meeting is, I am informed, to adjust the differences, now of long standing, between those who employ different engines—notably, trawls and trammels—for the taking of fish. Various and unsuccessful attempts have been made to avoid the disputes between the classes of fishermen using the nets above named ; and, notwithstanding all that has been attempted, the result attained is very inconsiderable. I have heard, I think, all that can be said upon this long-debated question, at all sides. I am aware that my opinions come before you, not having the weight which practical experience can impart. But it ought to be borne in mind likewise, that I am not swayed by any interested motives, and that I can have no object in view except to promote the greatest good of all. The conclusions at which I have arrived, then, are these : —I think trawling ought not to be allowed at all times, and in all parts of this bay. From the dangers resulting to other descriptions of nets from trawlers, nets too belonging to a very needy class, I think the two modes of fishing ought not to be carried on concurrently. A trawl boat passing through a trammel destroys the net, and ruins the prospects of a poor industrious man. Such damage is very frequently done even when all efforts to avoid it are made by the crew of the trawler. I would therefore be in favour of prohibiting the use of trawls, except for three months, —namely, February, March, and April—and even during these months trawling ought not to be allowed inside Whiddy or in Castletown harbour, where line fishing is pursued by the very neediest class of fishermen. Trammel fishing, which is mostly adopted by farmers residing near the coast, ought to be allowed during the nine months when trawling would be prohibited. These opinions, to which I have given much consideration, I venture, most respectfully, to put before you. In the amended Fishery Act now before Parliament, I perceive there are certain clauses affecting this very question. But, I think, if made law they would not be found to work advantageously in this bay.

I have, &c.,
(signed) *George Sheehan,* P.P., V.F. Canon.

Mr. *Moynahan.*] That letter is altogether written in the interest of the Bantry trawlers, without reference to those of the Bear Island line fishermen. It is quite clear that Canon Sheehan misunderstands the state of the case. We could not accept that proposition at all.

Witness.] There are about 30 boats engaged in the long-line fishing, and there are four to five men in each boat. I cannot tell what the earnings of each boat may be in the fishing season. We shoot our lines from time to time through the year. Our principal months are January, February, March, and April; the fish go out into the deep water then and we lose sight of them. I see no other means of preventing the damage to our nets than by prohibiting trawling west of the eastern part of Bear Island.

Mr. *Murphy.*] That is practically to prohibit trawling altogether.

Mr. *Barry.*] Would it not be possible to fix a line outside which trawling might be carried on and inside which it should not—say a line a mile or a mile-and-a-half from the shore?

Mr. *Murphy.*] That would not be practicable. It is impossible that we could keep at a certain distance from the shore of the island. The middle channel is foul with anchors left there by the French, and in certain states of the wind we have to hug the shore.

Rev. Mr. *Moynahan.*] It is impossible that the two modes of fishing can be carried on on the same ground; and the line fishermen themselves say that a line could not be fixed as a limit for trawling up and down the channel. The only means of remedying the evil is to prevent trawling altogether south of Bear Island.

Mr. *Barry.*] I am bound to tell you that there is now a prevailing opinion in favour of free trade in all modes of fishing. It is not a feeling in which I participate, but it prevails with some very influential persons, and I greatly fear that in three months' time everybody will be at liberty to fish with any implement he pleases in every part of the bay.

Rev. Mr. *Moynahan.*] Then the unfortunate people will have to go to America or the poor-house.

Mr. *Barry.*] My principal object is to see if you or any of you can suggest a plan that will allow of both modes of fishing being pursued with as little detriment to either as possible.

Mr. *Murphy.*] The course recommended by the reverend gentleman would be equivalent to shutting us out altogether from the bay.

Rev. Mr. *Moynahan.*] That would be perhaps so much the better.

Mr. *Murphy.*] I do not fish more than two days in the week off Bear Island, and if I were a long-line fisherman I would not be afaid to shoot my lines at any time, as the approach of the trawlers can always be seen from a great distance.

Mr. *Barry.*] I still think it might be possible to fix a line parallel with the general line of the shore within which long-line fishing should be confined, and outside which trawling might be practised. I should like to have some evidence now on the part of the trawlers.

Mr. Michael J. Murphy sworn; examined by Mr. *Barry.*

I have been engaged in trawling for some years past. I have trawled on the ground now described and shown on the map south of Bear Island. I usually go within a mile of the shore, seldom inside a mile, but sometimes, in certain states

states of the wind and the weight of the warp causing us to make lee way, we are obliged to hug the shore. It is quite impossible to mark a line nearly parallel to the shore within which trawling should not be carried on, because according to the state of the wind the trawler would have to cross that line beating to windward up or down. The sole bank to which I alluded before does not extend half way or anything like it across the bay. The best ground is within one and a half mile of the shore. I think the sole congregate more upon the shoaler ground at about the one and a half mile distance. The trawls seldom trawl more than two days in the week. I do not think it is possible to fix days on which we might trawl and days on which we might not, so far as the three months I spoke of are concerned. These three months are very profitable for trawling, and they may have the other nine. Since January last we trawled about two days on an average in the week.

Mr. *Barry.*] Suppose then three days of each week are given to you, and three to the long-line fishermen for the uninterrupted pursuit of their fishing, would not that answer the objects of both?

Mr. *Murphy.*] I do not think the men would go into our boats upon these terms. I am sure they would not. If the three months I speak of, February, March, and April, be conceded, I would not trawl by night during that time.

Mr. *Barry.*] That I understand, and you are perhaps aware that a bye-law prohibiting trawling at night was made in 1862, and strangled by means to which I need not now refer. I see that nothing will suit except an arrangement of time. What would you think of leaving January and February to the line fishermen, and March and April to the trawlers?

Mr. *Harrington.*] Or say January for the line fishermen, February for the trawls, March for the line, April for the trawl?

Mr. *Murphy.*] I think the best arrangement would be to let the line men begin in the morning, and haul their lines at a certain hour, when the trawling might begin. I would suggest that the lines might be hauled at ten o'clock. That would give ample time to the line men, and by our being on the ground at that time, we might be able to make something of a day's work.

The Rev. Mr. *Moynahan* protests against this altogether, as not giving sufficient time to the line men.

Mr. *Barry.*] It is admitted that they make but one haul in the day; that the lines are shot in the morning, and fished in about one hour-and-a-half after. Could not that be well done by ten o'clock?

Several of the line men protest; all talking together.

DENIS MOYNAHAN, sworn.

I AM in the habit of trawling upon this ground. I live in Bantry. I trawl there in February, March, and April. We generally reach that ground with a fair wind at about nine or ten o'clock from Bantry, and if we remain out in the harbour during the night we are upon it at six or seven in the morning.

Mr. *Barry.*] What do you think of this? Let the line men have up to eleven oclock in the morning, and let the trawling be free from that hour till sunset during the months of February, March, and April; would not that meet all the difficulties of the case?

Witness.] Well, that is but a very short time for us, and I would say——

Rev. Mr. *Moynahan.*] We cannot be satisfied with anything less than 12 o'clock.

Mr. *Barry.*] I will never recommend a minute beyond 11 o'clock, and in fixing 11 I think a very great concession is made to the long-line fishermen. They are on the spot; they have only to go out a mile or a mile and a half, while the trawlers have to come a great distance, and return again to Bantry. I will, therefore, not recommend anything beyond 11 o'clock.

Mr. *Murphy.*] We are satisfied with the 11 o'clock regulation, although it curtails us of a great part of the day.

Mr. *Barry.*] I have no power to make such a regulation. All I can do is to submit to the other Commissioners the evidence taken here to-day, and to state to them my opinion upon the subject.

Mr. *Germaine.*] If you take into consideration the concession made by the trawlers of not fishing till 11 o'clock, and the number of times the trawlers can come here at all, I think the long-line men have had a great boon conferred upon them by this regulation.

Rev. Mr. *Moynahan.*] Remember that the line fishermen are very poor, and that this is their principal support.

Denis Moynahan.] Fishing is the only means of support that the trawlers have. There is not a man of them in Bantry that has an acre of land.

Rev. Mr. *Moynahan.*] I suppose, then, we must be satisfied with 11 o'clock?

Mr. *Barry.*] A great concession has been made, and I will never recommend anything beyond 11 o'clock. Whether or not the Commissioners will agree to make such a regulation, I cannot say. I may mention that there is another subject which it is my duty to submit to this meeting. A gentleman largely engaged in the lobster fishery complains to me that young lobsters in immense quantities are taken and destroyed by the trawl, and that, if some remedy be not employed to prevent this destruction, that fishery will be altogether extinguished in the bay. The gentleman I allude to is Captain Chambers, and he will state his own views upon the subject.

BENJAMIN CHAMBERS, sworn; Examined by Mr. *Barry.*

I AM engaged in an extensive lobster fishery in Bantry Bay. I live upon the bay in a place called Vale Cove. I have been giving employment to the fishermen in the lobster fishery, but not to the degree that I am now prepared to afford it. In Bear Island a number of fishermen have taken pots from me. I contemplate bringing the fishery up to 20 boats, which, with three men in each, represent 60 men, and these repre-

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sent in all 100 persons. That is the full exteut to which I intend at present to go, and if it succeeds I will go on further. I have been fishing for lobsters here in or about five years. When I commenced, they were twice as numerous as they are now. I attribute that falling off in a great measure to the trawlers; for, in the first place, the supply of fish has diminished, and I think the lobsters will always go after the small fish; and, secondly, I attribute the decrease to the number of small ones taken by the trawl and destroyed. That the supply of fish has greatly decreased is clear. I have not seen any sprats taken in the bay these five years, nor any herrings or pilchards. The whole fishery has declined. The hake, once so abundant, are all gone. Why, I bought 11 hake trammel nets, and since I bought them they have never been wetted. I did not think it worth my while to put them out. I believe that the cause of the falling off of the lobster fishery is the trawling, because when the young lobsters are taken in the quantities that I have been told in the trawl it must prevent the existence of the old ones. I believe that the young lobsters are taken in vast quantities.

To Mr. *Murphy.*] I cannot say whether or not the lobsters have fallen off in Kenmare Bay, though there is no trawling there. I have known a few grown lobsters to be caught in the trawl, but the reason they are not caught, as well as the small, is that it is their nature to lie in holes between rocks where they cannot be taken by the trawl, while the young ones are taken coming in from the deep water where they are bred. So far from the lobster fishery having fallen off in Dunmanus Bay, I have 100 lobster pots there at present. Between this bay and Dunmanus I have altogether arranged for the fishing of 250 lobster-pots.

To Mr. *Barry.*] It is my firm conviction that trawling within headlands is incompatible with a productive fishery; in fact, that trawling must ultimately extinguish the fishery of any bay. The trawl takes every thing, large and small—the spawn and the undersized fish—and where that is the case the fishery must inevitably be exhausted. It is quite a mistake, and argues a total unacquaintance with the subject, to say that there should be free trade in fishing, or that the supply of fish in the sea is illimitable, for the experience of all practical men proves the very contrary; and it is idle to say that you can have a productive fishery if you destroy at an early stage of their existence the fish which if allowed to grow would yield an abundant harvest to the fisherman. This is my firm opinion, and I have watched the operations of fishing with great interest and attention. Besides, the trawling is confined to a few only, and but few derive a livelihood from it, while the line and trammel fishing gives employment and the means of subsistence to thousands.

Mr. JOHN LYNE, sworn; Examined by Mr. *Barry.*

I AM well acquainted with the fishery of this bay for about 35 years. It was remarkable at one time for a great abundance of herrings, sprats, sole, and pilchards. Immense quantities of all these fish used to be taken in the bay. The hake, also, which is now very scarce, was found in great abundance. The great falling off in the fishery took place about 17 or 18 years ago. I think the last great take of herrings and sprats was in the year 1847, and the pilchards have altogether disappeared. The pilchard fishery was once a great source of profit and employment, and large fortunes were made by it. I live in Bear Island, and have ample opportunities of knowing the quantities and kinds of fish taken in the bay. The trammel net fishing has greatly fallen off. Hake is now very scarce indeed. I believe, in fact I know, that this scarcity commenced shortly after the trawling began. There was no trawling when the abundant fishing existed in the bay. I always thought that trawling destroyed the spawn of the fish, and, therefore, wherever it existed there could not be a productive fishery. I used to trawl myself, but not much. While I was trawling I did not see anything taken up by the trawl that was calculated to diminish the quantity of fish, except the great number of undersized fish that were taken. I would not like to say that trawling is the sole cause of the scarcity, but I think that whereas the trawl scrapes the bottom, and works over the spawning ground, it must take away, disturb, and destroy the spawn; and if the spawn and young fish is not allowed to arrive at maturity where is the produce to come from? I think that the change in the seasons of late years may be to some extent the cause of a diminution in the quantity of fish, but not so active a cause as trawling. I have observed the lobster fishing in the bay with attention. The first years after commencing that fishing they took a great deal of lobsters, but of late years there are loud complaints of scarcity. The large lobsters are not taken by the trawl, because they lie in the holes and interstices of the rocks, but the small lobsters, if they be lobsters, which some deny, are taken in immense quantities.

Mr. *Germaine.*] I know that the lobster fishery has greatly fallen off in Kenmare Bay, and there is no trawling whatever in or outside that bay. If there had been trawling there, the diminution would also be attributed to it.

Mr. *Murphy.*] The fish alluded to as young lobsters are not lobsters at all; they are lobster prawns, or what are known in Dublin and London as prawns simply. We take them in the trawl in great abundance, and they are always of the same size throughout the year. If they were the young of lobsters this would not be the case, because they would not be the same size all the year round.

Captain *Chambers.*] The reason of that is, that the lobster has no particular season for spawning, but spawns all through the year. You therefore catch them young all through the year, but you do not take the grown ones because they take shelter in the crevices of the rocks.

There was no further evidence tendered, and the proceedings then terminated, Mr. Barry giving an assurance that it would not be his fault if the regulation suggested as to the time for long-line fishing and trawling was not carried into effect, so as to allow of both modes of fishing being prosecuted without injury to either. The question was a very perplexing one, but he was happy to think that they had arrived at something like a proper solution of it, so as to reconcile the conflicting interests involved.

31 May 1867. *John P. Brophy.*

Appendix, No. 3.

PAPERS handed in by Mr. *J. Redmond Barry*, 28 June 1867.

Report.—Trawling in Waterford Harbour.

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The question of restraint upon the use of trawl nets in Waterford Harbour has for a long time occupied the attention of the Board. Since 1843 no less than four meetings have been held, and a vast mass of the most conflicting testimony has been recorded. The two first meetings were held at Dunmore. General Sir Harry Jones presided at the second meeting in 1846, but the excitement was so great and the evidence so conflicting, that the question was allowed to remain in abeyance till the 2nd February 1852, when a meeting was held at Passage East, at which both parties were fairly represented, and four very intelligent witnesses were examined, who all concurred in the necessity for some restraint; and a bye-law was ordered by the Board on the 9th February 1852, fixing a line from Credan Head to Temple Church, within which trawling was interdicted.

The application now under consideration has stood over for a considerable time. It bears date the 9th August 1855, has the signatures of 17 magistrates and some deputy lieutenants of the county, and prays that boats under 10 tons should be excepted from the operation of the bye-law of 2nd March 1852.

A meeting was held on the 8th October 1855, when five witnesses were examined.

The evidence of all these persons is most unqualifiedly in favour of granting the permission to the boats under 10 tons, with light irons under 50 lbs.

The weight of the trawl irons used by the large boats is generally under 3 cwt., and the maximum weight fixed by the 22nd Article of the French Convention is 287 lbs.

We were at first strongly disposed to recommend the Board to acquiesce in this application, and there is scarcely any subject upon which we have had more discussion, or to which we have devoted more consideration; and the result of long deliberation is that we cannot advise the Board to make any change for the present.

We have come to this resolution, notwithstanding that we have been very urgently pressed from the locality; but it is only fair to say that we can trace the great interest which seems to be felt on the subject rather to a few—perhaps not more than two—very respectable persons resident in the neighbourhood.

We fear to make an invidious class distinction, and although one of us especially appreciates the advantage of light gear as less injurious than heavy irons, we concur in the expediency of making no change for the present.

(signed) *J. Redmond Barry.*
W. J. Ffennell.

Department of Fisheries,
22 November 1856.

Approved, *R. Griffith.*
25 November 1856.

Sea Fisheries, Ireland.

REPORT of Meetings to consider the Effects of the Bye-Laws with regard to Trawling in *Belfast Lough* and *Lough Swilly*; held at Carrickfergus, Bangor, and Rathmullen, in June 1866.—By *John P. Brophy*, Office of Public Works.

Sea Fisheries.—Belfast Lough.

Meeting to inquire into the Effects of the existing Bye-law with regard to Trawling in *Belfast Lough.*

Court-house, Carrickfergus, Wednesday, 13th June 1866.

J. Redmond Barry, Esq., presiding.

Present: Mr. Forsyth, J. P., High Sheriff, Mr. John Smith, Solicitor, Mr. A. H. Cooke, Mr. William Hamilton, Captain Brownlow, Inspecting Commander of Coast-guards, Mr. J. Thomson, Mr. E. O. H. Canavan, Mr. J. Wilson, and Mr. J. Erskine, Solicitor.

The body of the court was crowded with the fishermen, on whose part Mr. J. Smith attended professionally.

I read the following memorial and notice of meeting:—

To the Commissioners for Irish Fisheries.

We, the undersigned trawlers of Carrickfergus, beg most respectfully to call your attention to the by-law affecting the trawling in Belfast Lough, which prohibits us from taking fish inside of a line drawn from Carrickfergus to Rockport.

We beg to represent to your honourable Board,

First. That the prohibited ground is by far the best for trawling in the lough; it is where the fish are most abundant, and since we have been restricted from fishing there

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the market has not been nearly so well supplied, nor has our trade afforded us more than a bare subsistence.

Secondly. Being obliged to have a certain class of boats, on account of the shallowness of water at Carrickfergus harbour, we are unable to fish all weathers to the eastward of the line of limitation, while we could fish on the prohibited ground in any weather.

Thirdly. We feel assured that the bye-law was passed with the best intentions, but would humbly submit to your honourable Board that, practically, in producing any beneficial result during the last nine years, it has been a complete failure, as since then the fish have been scarce in the market to what they formerly were, and our trade reduced to almost nothing, with a great addition of extra toil, and at times extreme exposure and hardship.

Under these circumstances (although a great deal more might be said), we most respectfully request that you will repeal the first clause of the bye-law, and allow us our old privilege of fishing in any part of the lough.

And your petitioners will ever pray.

(Here follow the names of 35 trawlers, and 27 long-line fishermen.)

The above document was received by the Commissioners on the 24th March 1866.

Sea Fisheries, Trawling.—Belfast Lough.

Notice.

The Commissioners of Sea Fisheries, acting in pursuance of the powers and authorities in them vested under the Act 5 & 6 Vict. c. 106, and its amendments, hereby give notice that they will hold meetings to inquire into the effects of the present bye-law with regard to trawling in Belfast Lough, at the following places and times respectively, viz.:

At the Court-house, Carrickfergus, on Wednesday, the 13th June next, at the hour of one o'clock, afternoon; at the Court-house, Bangor, on Friday, the 15th June next, at the hour of one o'clock, afternoon; of which all parties concerned are requested to take notice, in order that they may tender such evidence as they may consider necessary.

And notice is hereby further given, that the said Commissioners will, at such meeting hear and receive all such pertinent evidence as shall be offered to them on the subject of these inquiries, and proceed at such meetings as in and by the Acts authorized.

By order of the Commissioners of Sea Fisheries,

(signed) *Edward Hornsby*, Secretary.

Dated at the Office of Public Works,
this 28th day of May 1866.

Mr. *Barry.*] Gentlemen, it may be proper to say, in the first place, why it is that a memorial coming from a respectable body like the fishermen of this portion of the coast of Ireland, was not more immediately attended to. It probably is known to most persons here that in consequence of there being various opinions on matters connected with the fisheries, and amongst others on the question which is the subject of our consideration to-day, the long-disputed question of trawling, a Royal Commission was issued a few years ago for the purpose of inquiring into this and other subjects of great importance connected with the fisheries of Great Britain and Ireland. That Royal Commission has been in operation for some time, and it is only within a very few weeks that their report, a very voluminous and a very important one, has been issued. It was drawn up by men of great intelligence and great weight, among whom were two Members of Parliament and a very eminent scientific professor, and of course it was naturally to be expected that their recommendations would have great weight in regulating any changes that should be made in general legislation on the subject of the sea fisheries. That is the reason, gentlemen, why we have not more immediately responded to the memorial calling upon us to hold this meeting. I regret to find that you complain of the restrictions which have been put in force as being injurious to your interests. On the question in dispute, our desire is to have as near an approach to unanimity as possible; but in general, in matters of this kind, there are two parties, those who are opposed to a restriction of the kind, and believe that it does injury, and those who believe that it is for the general good.

That trawling is a very productive mode of fishing we all know extremely well; but whether it can be practised at all times and in all places, without any restraint, is the question now under consideration. As diligent and as deliberate an inquiry as ever was made was held here on the subject, the result of which was that this bye-law was issued in consequence of the evidence which was then given. That was in 1856; the bye-law was passed on the 15th of February 1857, and since then we have had no complaint against it until we got this memorial; but in coming to any decision upon it we must be governed by the general course of legislation which may be adopted on the Report of the Royal Commissioners. I shall now be happy to hear evidence from the memorialists or other persons wishing for a change, and then I shall be equally prepared to hear anything that may be said on the opposite side. Possibly there may be considerable delay in consequence of the state of business in Parliament in dealing with this Report of the Royal Commission, but we are quite willing to give the weight of our authority to produce a kindly feeling that will conduce to the interests of all classes of fishermen.

Jonathan Wortley, sworn; Examined by Mr. *Smith.*

I have been a fisherman in this lough these 20 years. I remember the passing of the bye-law 10 years ago. Since then I have no hesitation in saying that the fisheries have not worked so well. I have fished constantly since then, and I say that the fishery has decreased generally. The fish are now scarcer and of an inferior quality to what they were before the bye-law. The fish were more plenty and better before the bye-law. The reason I would assign for that is that the ground is not now worked over, and the feeding for the fish not stirred up where the trawling is prohibited. The feeding banks have become dirty with weeds and I should think covered with shell-fish, which must destroy the fishery.

To Mr. *Barry.*—I have been engaged in trawling both before and since the bye-law. I believe that the bye-law has not been generally observed, because if it was we could not live. Since the bye-law we trawled wherever we could. If we did not do that ourselves and our families would starve. My belief is that trawling inside the limits did good, and that the present restriction does harm both to the fishery and the fishermen. In my opinion trawling has the effect of cleaning the ground, and the more the ground is trawled over the more will the dirt be loosened and carried to sea, and the more will the food be stirred up for the fish. The trawling leaves the ground free for the fish to feed on. In my opinion if trawling was prohibited for three years, there would be no fish in the lough. The supply of food is increased by the trawling. I have often seen boats lay by all day while we were trawling, and when we went away they fished over the same ground and got more fish than in any other place. There are eight trawl boats in Carrickfergus, and seven at Groomsport. There are none at Bangor or Belfast. The number of trawlers have decreased within

within the last 10 years. There were then 10 or 12 belonging to Carrickfergus, now there are only eight. Sometimes they quit trawling and go to line fishing, and sometimes they leave the line fishing and take to the trawl. We are trawlers and line fishers indiscriminately. The largest of our boats is about 12 tons; but some are not half that size. The large and small are nearly equal in number — about half-and-half. The largest boats are about 31 feet long, and from that to 20. Some of the irons are three-quarters of a hundred weight each. The mesh of the trawl-net is about two inches from knot to knot. The fish has been plentier this last season than it was for the last three or four years. I dredge for oysters in the season. We generally dredge at the head of the lough, and this cleaned the ground and gave food for the fish. The whole bay is studded with oyster beds. You could not go astray for an oyster bed in the lough. The winter before last we found a very fine one close to Holywood. The way to improve the fishery is to have no bye-law, just as it was before 1857. Abolishing the bye-law would have the effect of improving the fishery by clearing up the ground and stirring up the feeding for the fish. Trawling is at present prohibited within a line drawn from Carrickfergus Castle to Rockport. I would abolish that line altogether. The close season for trawling is from the 1st December to the 1st April. I would not abolish that, but I would shorten it one month. I think it would be plenty to have the close season from the 1st December to the 1st March. I would reduce the close season from four to three months, and abolish the line of limit altogether as my plan for improving the fishery. Inside the limits we work in from eight feet of water to six fathoms, and the best turbot I ever caught was in five feet of water. The bottom is smooth soft sand, and the inside part is mud. I think the abolition of the present line would answer every purpose of improvement. It would increase the supply of fish, benefit the public, and do no injury to any one. I have known the fish to be plenty inside the line, and none to be had outside, and seeing that, how could we keep the law and starve? The trawlers have been occasionally prosecuted for this, and many have suffered; but from what I have proved there is no occasion for any line. I believe that the fish spawn where there is no trawling up in the lough head. I have trawled there, but we do not go inside the channel. The long-line fishermen have no objection to the abolition of the trawling limit. It would promote the good of the fishery for all purpose.

Mr. *Barry*.—Is there any person here who would like to ask this witness any question. If so, he is at perfect liberty to do so.

Mr. *Smith*.—There is the greatest unanimity and perfect identity of feeling between the trawlers and the long-line fishermen. There is not a long-line fisherman that did not sign the memorial to abolish the trawling limit.

John Smith sworn; Examined by Mr. *Smith*.

I AM over 60 years of age. I have been engaged in trawl fishing occasionally for the last 20 years. I heard the evidence of the last witness and agree with every word he said. I think a close season of three months is all that would be necessary for the improvement of the fishery, and that would be a very good law. We have had a close season among ourselves, without any compulsion, from December to March. I would much rather it was that way than as it is, for then the spawn would get peace. I agree that the line should be abolished, and that the close season should be adopted. Now the ground is so dirty that you would not get a fish in it, and I know that to my cost.

To Mr. *Barry*.—I think the fish spawn in November and December. I have got them full of spawn at that time. I could not say how long they continue spawning. I have got them full of spawn in November. I think the spawning commences in December. The fish are full of spawn in November. I could not say where the fish spawn. I have seen them not larger than herring scales in December. I do not think they come into one place more than another to spawn. They each select their own place.

Mr. *Barry*.—If there is any one desires to ask this witness any question, he is now at liberty to do so.

John Pinkerton sworn; Examined by Mr. *Smith*.

I AM not a trawler, but I have a taste for fishing. I have been dealing in fish for the last six years. My opinions are the same as Wortley's as to the abolition of the limit line, and establishing the close season, I think the fish are going out of the lough altogether, and I have been fishing for the last five years. We cannot now get any fish, comparatively speaking. I think the bye-law is a nuisance, and is wrong altogether. It is all a chance that you get a prime fish now at all. There was a good quantity taken this last season, but they are nothing worth speaking of they are so small.

Mr. *Barry*.—Is there any one wishes to cross-examine this witness?

John Bishop sworn; Examined by Mr. *Smith*.

IT is nine years since I began fishing. I have heard what the witnesses have said, and I agree with every word of it. The oftener the ground is stirred up the more fish will come into the lough. I went over to Larne in December last, and the ground was so dirty that we could not get any fish at first. After we had the ground cleared, I got from 16 to 17 score in one night. The trawling improves the fishery, because it stirs up the food. The fish have decreased a long way since I began to fish, but the fishing was better last season than it was for three years before. I have been engaged in trawling. I think there is no objection from the long-line fishermen against the removal of the restriction, for every one of them signed the memorial, and they are all willing that we should get the benefit of the whole bay. I would let the close season stand as it is, but three months would answer better than four. I think the close season would do as it stands. I think the fish is cursed out of the lough, there is so much wickedness about the law—I mean by constantly breaking it.

James M'Meehan sworn; Examined by Mr. *Smith*.

I HAVE been engaged in fishing 40 years and more. I remember 10 years ago when the present bye-law was passed. I have been fishing on all parts of the lough. I know that within the line the fishing has decreased these four or five years. The fishery has decreased in the number and size

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of the fish. In regard to the long-line fishing, I have seen a great failure for the last four years. The restraint has not operated beneficially for the long-line fishing. I was 20 years engaged in the long-line fishing. When I was at it I would catch more in a week than they would take in three months now, and there was more trawling then than there is now.

John Morrison sworn; Examined by Mr. *Smith*.

I HAVE had a good deal of experience in fishing, having been engaged in it these 50 years. I have been engaged in the long-line and net fishing. Within the last 10 years the long-line fishing has very much decreased, but it increased again last winter. It paid very well last winter. The number of fish did not increase, but the price increased considerably. I saw the long-line fishermen getting plenty of cod-fish when the others were trawling. Trawling did not injure the long-line fishing. I do not know anything about trawling myself, but I think that the trawlers should get the whole lough for fishing. I do not think trawling does any harm, and that is all I know about it.

Jonathan Wortley.—I spoke to the long-line fishermen about this meeting, and they were not willing to appear. They were perfectly aware of the meeting, and saw the notices posted up all about the place.

Mr. *Smith*.—The memorial is signed by the long-line fishermen, and that is a very important fact.

Mr. *Barry*.—Is there anyone desirous of giving evidence the other way; if so, I am prepared to hear him.

Jonathan Wortley.—Last week the wind blew fresh from the east, and the fish were uncommon plenty outside the line. Since the weather settled, and the wind went to the west, the fish congregated all inside the line.

John Smith (to Mr. *Barry*).]—The lough is studded over with small beds of oysters. I think that if Government aid was given or a company was formed, a most important oyster fishery could be established here. The lough is well supplied with fresh water, and the beds are well formed. I do not think that there is any more suitable place for an oyster fishery than this lough.

J. Wortley (to Mr. *Barry*).]—I have been in the habit of dredging for oysters as long as I have been trawling. I find the small oysters from Black Head to White House, but generally throughout the lough the oysters are very large, and are allowed to be the very best flavoured oysters. I have sold oysters for as much as 15*s.* the 100. There is a very good demand for them, and there could be 10 times as much sold as there are if they could be got. The demand is good and the price is good. They are sold for about 7*s.* 6*d.* the hundred. There is not a winter escaped me these last 20 years, that I did not get a considerable quantity of oysters. I took 2,000 in a day the winter before last, and the price then was from 2*s.* 6*d.* to 8*s.* the hundred. The close season for oysters is far more strictly observed than that for the other fish. We do not take the small oysters; they would be no use to us, as no one would buy them. The close season for oysters is never violated by any one. No English vessels come into this lough for the purpose of getting small oysters for brood. The dredge we use would not hold the small oysters. Last winter there were six boats from Carrickfergus at the oyster dredging. No strangers come in amongst us to dredge upon our beds. The Groomsport men have beds of their own which they fish. There is no one claims a private right in any oyster bed in the lough. A Mr. Walker got a license for a bed from the Commissioners, but he has left the country altogether.

Mr. *J. Wilson*, Sworn.

I WAS the last master of the long-line fishermen's guild, but there is no such guild in existence now. I am fully competent to speak on their behalf in this matter.

Mr. *Barry*.—The general feeling here appears to be that the bye-law has been productive of evil rather than good. It appears, however, that it has not been observed—that it has been encroached upon as a matter of necessity, because at times it was impossible to get fish within the limits prescribed. It is now suggested to abolish this limit, and to fix a close season of three months instead of four. What do you say to that proposition?

Mr. *Wilson*.—I would certainly agree to that, and I should say that the long-line fishermen participate in this feeling.

Mr. *Barry*.—Do you think that any regulation could be made for having the undersized immature fish, taken by the trawlers, thrown back into the water?

Mr. *Wilson*.—I think not. It would be so much the better for all parties if the small fish were not taken; but when these fish are taken in the trawl they are dead by the time they are brought on deck, and there would be no use in throwing them back into the sea. I do not think the oyster beds are over worked. The oysters are as fine now as ever they were. Upon the new bed, referred to by one of the witnesses, the oysters were not good at first, but after the mud was got rid of, and some of the old oysters removed, the bed was found to be much better the following year. The shells of the oysters first found were perforated by insects, but when the bed was cleared of these they found the small oysters in abundance there the following year. This new bed was discovered last winter twelve months. I do not know anything about spatting. The oyster dredgers virtually give an additional month of close season to the oysters, beyond the time prescribed by law. I do not know the meaning of the term "cultch," but I believe that broken bottles and shells, and hard substances, are very good for the spat to adhere to.

J. Wortley.—I have seen the spat this last season—that you could compare them to nothing but drops of grease sticking to the stones and bottles in the greatest abundance.

Mr. *Smith*.—It has been my intention to get up a public company for the promotion of oyster productiveness, and then to ask the Government to advance funds to carry out the operations, both to give employment and improve the fishery.

Mr. *Barry*.—I apprehend that anything done in that direction must be done by private enterprise and by individuals. Gentlemen, my duty is now fulfilled. The evidence given has been recorded, and it will be my care to lay it before the other

other Commissioners, who will give it their most attentive consideration. I cannot, however, hold out any immediate expectation of anything being done in reference to the existing regulation in this lough. We must wait until it is ascertained whether there will be any legislative action upon the recommendation of the Royal Commissioners, who, I may tell you, have generally expressed their opinion in favour of perfectly free trade in fishing.

The proceedings then terminated.

14 June 1866. *John P. Brophy.*

Sea Fisheries—Belfast Lough.

Meeting to Inquire into the Effects of the existing Bye-Law with regard to Trawling in *Belfast Lough.*

Court-house, Bangor, Friday, 15 June 1866.

J. Redmond Barry, Esq., presiding.

Present:—Mr. Ward, of Bangor Castle; Mr. John Smith, Solicitor, and a few Fishermen.

The memorial and notice of meeting were read, as at Carrickfergus on the 13th June.

Mr. *Barry* then said,—Well, gentlemen, it would appear, from the paucity of the numbers here, that the subject is not a very interesting one to this locality. However, we determined, that as a meeting had been held here before, as well as in Carrickfergus, before the bye-law now complained of was passed, that we should afford the inhabitants of this quarter an opportunity of expressing their opinion upon the objections that have been made to the bye-law. We, of course, can have no object but the general good. We have for some time forborne to attend to the memorial presented to us in consequence of the legislation expected on the subject at present, and in consequence of its being generally believed that the Report of the Royal Commissioners, which has been for some time before the public, would have induced the Government to take action upon it. It is a very important report, very voluminous, and the details of which are very valuable upon the subject of the whole question of fisheries in Great Britain and Ireland; and I take this opportunity of correcting a very slight error which was committed in the report of the meeting at Carrickfergus, as it appears in this morning's Belfast "Northern Whig." Generally speaking, the report is extremely correct, and, in almost every respect, quite unexceptionable. The portion which is wrong is at the conclusion, where it is stated:—"This closed the evidence, and the Commissioner said that the Fishery Commissioners were quite of opinion with those who said that there should be free trade everywhere. The evidence he had heard with respect to oyster fisheries in Belfast Lough, although extra-judicial, he considered very important." I never intended to say anything of the kind, for it is by no means our opinion that there should be free trade everywhere. I alluded to the Royal Commissioners, who have generally expressed their opinion in favour of perfectly free trade in fishing. We, on the contrary, entertain somewhat of a different opinion. We think there are cases where there should be restraints, and we do not implicitly believe that the whole system of free trade is advisable.

Now, gentlemen, it was intimated to us at the meeting at Carrickfergus, the day before yesterday, that there is something like unanimity among the fishermen of this lough with regard to free-trade in fishing. We have been told that the memorial presented to us bears the signatures not only of the trawlers, but the names of a large proportion of the long-line fishers of the lough. This shows great unanimity and good feeling; but it is rather a matter of surprise to us, for upon former occasions when we visited this place—now nearly a period of ten years—there was anything but unanimity. The long-line fishers and the trawlers were most decidedly opposed to each other—the one side believing that free-trade in fishing would be most destructive to their interests.

Another point which we ascertained at Carrickfergus, and a very important one, was that in truth this bye-law, which has now been ten years in operation, has not been observed; that it was not attended to; and that the trawlers felt obliged, for the maintenance of themselves and their families, to infringe upon it, and to fish within the limits; and that there had in consequence been several prosecutions, and some people incarcerated. Now, this is a very unpleasant state of things, and affords some proof that some remedy is required. We would have lost no time in holding an inquiry after receiving your memorial if we had not been of opinion that before now some uniform system would have been adopted by the Government in consequence of this very important report of the Royal Commissioners. However, there is such a pressure on Parliament at the present moment, and so many subjects occupying its attention, that we thought we should not be justified in delaying any longer, and if necessary be prepared to take some steps in consequence of the meetings here. We had an extremely satisfactory inquiry, so far as it went, in Carrickfergus. The evidence was, generally speaking, one-sided, but very clear and satisfactory. There were also some parties examined, professing to represent the line fishermen, and they expressed themselves very strongly, and agreed in the opinion expressed by the trawlers in thinking that no harm could result in the permission to trawl generally, provided there was a reasonable close period; but the general opinion was, that instead of four months, it might with advantage be altered to three

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months. At present the close season commences on the 1st December, and terminates on the 1st April; and it was proposed in Carrickfergus, and fully acquiesced in by the representatives of the line fishermen, that this time should be curtailed by one month, so as to make the month of March open. We are now ready to receive any evidence that may be tendered to us by any parties who are opposed to or in favour of these views, and if anyone has an opinion to offer on the subject, we will be glad to hear it.

Mr. *Smith.*—I propose in the first instance to supplement the evidence which has been given at Carrickfergus relative to the spawning of the fish.

Thomas Wortley, sworn; examined by Mr. *Smith.*

I have had considerable experience in fishing. I have fished only with the trawl, and never with the long line. I have paid great attention to the subject of spawning. We always find the fish heavy in pea in November, and then they are going out to sea. I am 12 or 13 years trawling, and I always get the fish in that condition in that month, and they are then going out to the deep water, so that it appears to me it is there they spawn; we follow them out as far as we can go, and they are still going out farther and farther. It is my opinion that they spawn in the deep water, and not close in on shore. We follow them out to the deep water in November, and they are then full of pea and prepared to spawn. They spawn from that time out, but we lose sight of them at the end of November, and do not fish then till April, when we find that they have all spawned. I cannot say the exact time they spawn, but it is between the end of November and the end of March, for when we cease fishing the fish are heavy in pea, and when we resume after the close season they have all spawned. I do not know anything about the long-line fishing. I live in the town of Carrick, and was bred and born there. I was brought up to trawling, and have been trawling ever since the present bye-law was made. The mesh of our nets is three and a half inches from knot to knot, the mesh of the poke is from two to two and a half inches between the knots. Almost all the fish we take is marketable. We throw out fish the size of your hand. I am now speaking of plaice. We do not take a large proportion of small turbot; we do not take many turbot at all; they are very scarce everywhere now. We do not take many soles. We might get a pair of soles in a week, and sometimes not for a month. I think our mesh is too large for taking soles. I have seen a good many of them go out through our mesh. The supply of fish is not more than half as good as it was before the bye-law was made. I am of opinion that the scraping of the ground by the trawl is beneficial, and a great improvement to the fishery. I cannot answer anything about the long-line fishing, but I cannot see that any benefit results to it or to the trawling from the bye-law. The bye-law has been observed to a great extent. As a general rule it has been observed, but parties have been prosecuted for violating it, and one man who was imprisoned for trespassing lost his life through the prison confinement. For the improvement of the fishery, I would recommend that the whole lough should be free to all, but that December, January, and February should be closed against all fishing.

Mr. *Barry.*—Is there any one present who dissents from this opinion? If so, he is at liberty to ask the witness any question he thinks proper. We are anxious to get the whole truth, and I would like to have a few of the long-line fishermen examined.

Mr. *Smith.*—The long-line fishermen all agree in this opinion. Every publicity was given to your intention to hold this meeting, but the long-line men having signed the memorial, did not, I suppose, think it necessary to attend.

David Barrow, sworn; examined by Mr. *Smith.*

I belong to Groomsport, and am both a trawler and long-line fisher. I have fifty years' experience in both these modes of fishing. I have been trawling and long-line fishing all that time. I am aware that the ground frequently gets dirty for the want of being trawled upon, and that the fish will not stop on such ground, and neither the long-line fishermen nor the trawlers will get fish on ground which is not kept clean. I am sure that the more the trawl is used the fish become more plentiful. Both the long-line and the trawl fishing is improved by the operation of the trawl over the ground. I think the fish go out to the deep sea to spawn, for we always find them heavy in pea going outward, and in the spring we get them coming from the eastward, and they are then very thin. They then improve quickly when we raise feeding for them by throwing up the ground with the trawl. If this bye-law were put an end to, and there was fishing over the entire lough, I believe the fish would be a great deal plentier, and the public would be generally benefited. All kinds of fish would be more abundant for all modes of fishing, just as they were before the bye-law was made. The more you trawl on the ground the more fish you get, and the more the ground will be frequented by the fish, because they always go where they will get clean, good feeding. The trawl and the long-line fishermen are on the very best terms; one would assist the other to the last.

I know all the long-line fishermen well, and I know they are most desirous to see this bye-law removed. Most of the long-line fishermen are trawlers also, according to the season of the year; when the season is done with one we begin with the other. According to the season we shift out of the small boats into the large. Both pursuits would be benefited by the removal of the restrictions. We have not as many men now engaged in fishing as formerly. When this bye-law was put on, the young fellows went to sea, because they could not earn wages. They would have stayed at home if the fish was as plenty as before the bye-law. We dredge for oysters constantly during the season. We begin to dredge in September, and invariably stop on the 1st May. We dredge in every month that has an "r." No strange vessels from England, Scotland, or France, come here to dredge for oysters or take them away for brood. There are no small oysters exported for brood that I know of. We do not take any small oysters, and we observe the close season most strictly. We send all our oysters to Belfast. This last was the best oyster season we have had for many years as to the demand, but the weather was very unfavourable for dredging. The only boats that dredge in the lough are the Groomsport and Carrick boats. No boats come here from Donaghadee. There are no long-line fishermen in Bangor; only a few hand-line men. There were a great deal of fishermen here once, but they

are

are all gone away. There are two or three boats engaged in long-line fishing from Hollywood, but no trawling boats there or here. There are only a few old men engaged in hand-line fishing at Bangor, who are not fit for anything else. There are as many boats at Groomsport as at Carrickfergus.

Mr. *Barry*.—The evidence, such as it is, together with the evidence given at Carrickfergus, will be laid before the Commissioners, and if there be any delay in coming to a decision upon the question it will be for the purpose of ascertaining the decision of Parliament on the views of the Royal Commissioners. If there be a prospect that, with the large amount of business to be done this Session, the question would not be considered this year, our Board may perhaps be disposed to take action upon the evidence laid before them. That is all that I can promise in the matter. I am very thankful to you, Mr. Smith, for the arrangements you made to bring forward the evidence which you have submitted; you have conducted the case extremely well and very satisfactorily.

16 June 1866. *John P. Brophy.*

Sea Fisheries, Lough Swilly.

MEETING to Inquire into the Effects of the existing Bye-Law with regard to Trawling in *Lough Swilly.*

Court-house, Rathmullen, Wednesday, 20th June 1866.

J. Redmond Barry, Esq., presiding.

Present: Major Blackall, Thomas Batt, Esq., J. Richardson, Esq., J. Sproule, Esq., J. Miller, Esq. Walter Greene, Esq., Wm. Hunter, Esq., Rev. Mr. Cochrane, and a large number of Fishermen.

Before entering on the inquiry, evidence was heard in support of an application from William Hunter, Esq., of Ray, for liberty to plant an oyster bed in Lough Swilly, at Ray. William Martin, Esq., solicitor, Ramelton, appeared to support the application.

Mr. *Barry*.—The present application is the first in this district made to the Commissioners, but they had received many from other parts of Ireland, and I am happy to tell you that the good resulting from the planting of oyster beds had been almost incalculable. The Commissioners did not wish to grant applications until they have evidence in favour of the practicability of the undertaking, and also of the non-existence of a profitable fishing enjoyed by the public; for, in truth, the planting of an oyster bed might be considered as an abstraction of the public privileges, inasmuch as the ground is set apart and becomes private property; the result, however, of planting such oyster beds had been the increase of the general stock of oysters throughout the whole vicinity of the bed. It extends far beyond the grounds planted, and it often happened that the grounds adjoining were found better stocked than those at first appropriated, and nothing has been more advantageous to the people in the neighbourhood. I will now ask some questions, and the evidence, which must be sworn testimony, I will submit to the Fishery Board.

William Hunter, Esq., sworn, and examined by Mr. *Barry*.

I am the occupier of the ground which I propose to plant. I have a long lease of the place from the proprietor, the Rev. Mr. Delap. There are, I may say, no oysters in the place at present. The ground has not, in my time, been profitable as an oyster bed. I resided in Jersey for some time, and heard and learned much about the propagation of oysters, and have since made a study.

James Duffin, sworn and examined.

I know the ground where Mr. Hunter wishes to plant the oyster bed. I have occasionally seen little oysters there, but never any large quantity of oysters, nor did I ever see it dredged.

Mr. *Thomas Batt* said he wished to bring under the notice of the Commissioners the general state of the oyster fisheries of the bay, in order that steps would be taken to prevent the carrying away of the small oysters. He thought the people interested in this fishery would be prepared to recommend, if a public inquiry took place, that a jubilee or total cessation from fishing should be established for one, two, or three years, as might be determined upon. The beds were in rapid progress of exhaustion; no regard was paid either to season or to the size of the oyster. Old and young were taken at all times and exported to England and France for the purpose of being laid down on beds there. The application of such a principle might be for a time of advantage to the English and French beds, but it would ultimately terminate in the ruin of the Irish, and thus in the end be disadvantageous to those beds for which stock was required. If you kill the goose you will not have the golden eggs; and if you do not carry out a close season you must propagate and cultivate the oyster as they do in France. Thirty years ago the "Inch oysters" were very abundant in the Derry market and throughout the country generally, and were very highly esteemed, but now they have ceased to exist for edible purposes. This arose from the indiscriminate dredging and gathering of the oysters, thousands of very small ones being exported from Derry, and few or none allowed to grow large to spawn. He recommended that the bye-laws made for Carlingford should be passed for Lough Swilly, and that the owners of the foreshores should be encouraged to form private beds. The exhaustion of Lough Swilly was similar to what had taken place in Carlingford, where, by the judicious regulations of the

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the Commissioners, the trade in oysters and the productiveness of the lough had been restored to their former prosperity.

Mr. *Barry* said he would be happy to receive any statement that might be made on the subject, but before any change could be made in the law a memorial should be forwarded to the Commissioners by the parties interested, and thereupon a public inquiry would take place, of which due notice will be given.

John Black, sworn; examined by Mr. *Barry*.

I AM an oyster dealer these forty years, and am well acquainted with the oyster fishery of this lough. I dispose of my oysters in Liverpool and Edinburgh principally. The oysters have failed away in all parts of the lough in consequence of the people taking up the small ones, and the dealers sending them off to Liverpool and Scotland. I remember when we could get excellent oysters for 4 *d.* a hundred. I could not get such oysters now for 4*s.*, or for anything I would give for them. They are not to be had at all, all owing to the sending away the small oysters, and through parties taking small and large at all times. I do not purchase small oysters myself. The smallest I purchase is about two inches; anything less than that would be no use to me. I buy the oysters by the thousand, and I have my own boats to put them in. I know it is the custom with the dealers to buy the oysters of every shape and size. I agree that it would an advantage to the public to plant a number of beds along the shore.

Mr. *Barry*.—You are not a fisherman yourself, and what you know of the oyster fishery is only second-hand. Can you not find any one who has himself been in the habit of taking oysters either on the place where Mr. Hunter applies for the bed or in any other part of the lough?

John Black.—There is no dredging at all in the place where Mr. Hunter proposes to make the bed; whatever oysters are taken are taken by the hand. We threw off taking oysters for three years at one time, and when they commenced again they caught 1,500 by hand where they did not get 100 before. I think it would be very desirable to have a rest of two years. I do not know of the oyster fishing being now profitable to any one in the district. I think a total rest of two years would make the bay a profitable source of occupation and wealth. The beds want nothing but such a rest, and I am sure it would be a general benefit to establish it. There is a person at Fortstewart, named O'Brien, who buys everything, large and small, puts them in flour barrels, and sends them off to England. They do that all through. Between the 1st May and the 1st September they are in the habit of taking the oysters, large and small. They have never been prosecuted for this. There is no observance of a close season. Our oysters are of small size; the best of them is from two to two and a half inches. I believe that such a thing as free-trade would be the total destruction of the oyster fishery. It is impossible that the oyster fishery can flourish under free-trade. We see what free-trade has done for this lough; it has ruined it.

Hugh O'Brien sworn; examined by Mr. *Barry*.

I and my family have been engaged for the last 40 years in gathering oysters about Fortstewart. We gather all sizes and put them in barrels. They are now very scarce, owing to the small ones and even the spawn being lifted. I buy some and put them down in beds where they spawn. The ground is a hard, gravelly surface. The spawn frequently will be found a quarter of a mile from the bed, generally in-shore more than the bed. When a bed is planted, after three years the bed should be picked, removing the bad ones. I believe it would be of great advantage to the lough generally, the planting of a bed. Oysters will spat about two years old. I think it would be desirable to give the ground rest for two years, and I am sure they would be increased a hundredfold. The place opposite Ray, where the proposed bed is to be, is softer ground than at Fortstewart.

Mr. *Hunter*.—The tide always leaves the ground which I propose to plant, every time except at neap tides.

Patrick M'Gonigle, sworn; examined by Mr. *Barry*.

I used to buy some oysters, and lay them down on the oyster beds at my own place, and keep them some time till I sold them. I attribute the failure of the oysters in the lough to the picking up of small and large oysters. I think it would be a good thing to hinder them from taking oysters at all for a couple of years, and then not to allow them to pick up small ones. I know a little fish called the "five fingers," which is an enemy to the oyster. They are not now to be seen in the bay. We have some mussels, which are also detrimental to the spawn of oysters.

Mrs. *Sarah Ward*, sworn; examined by Mr. *Barry*.

I have been engaged in the oyster trade the last 15 months. I buy from the hand gatherers, some of whom earn from 4 *d.* to 6 *d.* a day. I take them of any size. I send them to London, where they buy the small oysters as well as the large. I don't know if a rest would improve them; I would like to get as many as I could to buy. I get them on this side of the lough. We send away none but in the open season. For a week there would not be a barrel from the whole strand at Fortstewart. There might be three barrels in the fortnight. They were as high as 7 *s.* a thousand. I am agent for a gentleman in London, from whom I get a commission on what I send. They cost him about 2 *l.* a barrel.

TRAWLING.

The trawling question was then entered upon. The notice of meeting and the following memorial were read:—

Buncrana,
February 27, 1865.

To the Honourable the COMMISSIONERS for regulating the IRISH FISHERIES.

Mr. CHAIRMAN AND GENTLEMEN,—Some few months ago we sent a memorial signed by Mr. Batt, Rathmullen House, Major Todd, and Captain Norman, Glengolin House, Fahan, for to get our fishing ground stretched up to a rock known by the name of Carrickcullion. I think it is about three miles more than we are allowed at present. We believe at that time it was to the Lord Lieutenant it was sent. It was Major Todd that sent it to his lordship. We were and are of the opinion that we would have got a more satisfactory answer had it been directed to the Commissioners at once. Mr. Taylor, the coast-guard officer, bid us to

to send such, and to give it to him, and he would forward it for us, and because it was not sent by him he said he would report against us. Also, he had a great outfall with the family the name of Longwill, who is connected with our fishing, and that is the reason he has reported against our fishing. Gentlemen, only that it is rather too long a story to explain to your honours. Gentlemen, I can tell you in truth we consider them both in the fault. We think it very hard that we are to suffer by that. But from what we seen of three gentlemen Commissioners that was in Londonderry, at the investigation that was there in the latter end of last summer, they were conscientious gentlemen that done nothing but what they thought right; that when they would know the boundary we have to earn our living on, that they would stretch it for us.

Please, gentlemen, permit me to tell you, from this rock I mention, Carrickcullion, that all the shoals and banks, sweet grass, and else what are above this rock—the only place that fish spawn and frequent. All the good that has been done this season by line-fishing was a considerable distance from this rock, from five to twelve miles up. Also, gentlemen, please permit me to explain to you the ground allowed for us at present to fish on is of no use to earn a support for large families, as about the entrance of Lough Swilly is all foul bottom, only Stocker Bay. It is a small bounds, not past a mile long. Our boats are very good, but only too small for going outside. So, gentlemen, there is a great number of large families attached and depending to this fishing, and could support ourselves well, and accommodate the public to a great amount.

Please, gentlemen, permit me to tell you, if you take this into consideration in our favour, we will bind ourselves by oath, or any way the Board think proper, never to trawl above this rock. There is a buoy about a quarter of a mile west of this rock, laid down by the Ballast Office in Dublin, so there could be no mistake in the boundary; and west of it, again, or rather north-west, there are two red buoys; we would never go south nor west of them.

So, gentlemen, I hope your honourable Board will grant this to us.

We will be in duty bound, and shall ever pray, &c., &c.

At your convenience, we hope, gentlemen, you will give us an answer as soon as possible.

We are your obedient servants,

(signed) *John Kennedy*,
Buncrana Mill River;
And others.

Bartholomew Connolly, sworn; Examined by Mr. *Barry*.

I AM 24 years in the coast-guard service, and all that time I have been in this locality. I was here before the by-law was made, and have had full opportunity of judging of its effects. I think the trawling limits may be extended as proposed from the Salt-pans to Carrickcullion rock without injury to any interest. That would leave sufficient preserve for the spawning. That would leave as much ground as would be desirable for spawning. I do not see any place within these limits where any fish could spawn. It would, in my opinion, be desirable to restrain trawling altogether from November to the beginning of February, that being the spawning time. I think the lowest part of the lough where the herrings spawn is the Salt Pans. I am decidedly of opinion that an improvement in the supply of fish has been produced by the operation of the by-law, and that the restraint upon trawling has been beneficial to the fishery, but I think at the same time that the limits may be extended with advantage. I think it is also very desirable that there should be a close season at least during December and January. Of late years the herring has not fallen into the bay in any quantity. I have not known any herring fishing in the lough worth speaking of these 18 years. The herrings are taken in December and January, just at the time of this close season, and the close season being thus established, trawling could not interfere with the herring fishing. The herrings are sometimes taken in August, but not in any great quantity. I never knew much herrings to be taken in July, nor did I ever see boats shooting their nets for herrings in July. I believe that a limiting line from the Salt Pans to Carrickcullion rock would be a suitable and proper one, and that trawling within that limit would not interfere with the spawning of the herring or any other fish. I think the present line is too confined for the number of boats in the lough, and that the extension of the line would be an advantage to them without injury to any other interest. There are eight trawling boats in the lough, of from eight to fifteen tons each. The trawlers all agree that it would be an advantage to have a close season. I often suspected the trawlers of fishing on the prohibited ground, but could never catch them. There never was a prosecution but one under the by-law. To the best of my judgment, I never saw more than eight or ten of the long-line boats fishing in the lough. I did not know that any of them got their living by it.

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A Fisherman.—There are 400 long-line boats fishing in the lough. We are satisfied with the line as it stands.

Mr. *Batt.*—The trawlers admit that they have broken the law, because they could not live by observing it.

Several long-line fishermen here protest against the application, all speaking at the same time.

Mr. *Barry.*—If you wish to have your opinions recorded and laid before the Commissioners, you must come forward and be examined on oath.

John Gill, sworn; Examined by Mr. *Barry*.

I AM a long-line fisherman, bred and born. I am fishing between 14 and 15 years. I live three miles north of this town, at the new bridge. I have a yawl of my own. She is 24 feet long, and five feet beam. I fish with clams and by bait. I remember this long-line fishing going on about 22 years. I cannot say that I remember it before the by-law was passed. I have been in the habit of fishing everywhere from the Fanad Light to Fort-stewart. Sometimes if a trawler comes down upon us he carries away our long lines. They would not take the lines purposely if they knew they were there. I have nothing at all to live by but my fishing alone. We have nothing but what we make from the sea. The trawlers have not kept north of the line fixed by the by-law. Last winter two years they fished up to the quay of Fort-stewart, far to the south of the line. They then got plenty of flat fish there. Captain Taylor followed them, and took one boat which was not numbered. We get an abundance of fish sometimes, according to the weather and season. If the trawlers are knocked off for six months, during that time we can get plenty of fish down to 10 fathom water, but when the trawlers come and go over the same ground we get no more. We take all kinds of fish, flat fish, plaice and soles. We take the turbot in the season, cod in winter, haddock and ling all through the bay, according to the weather. Sometimes we haul our lines six times a day in summer, and twice a day in winter. The trawlers come below the line because the line does not pay them, and then they come upon our ground and spoil our trade. What I would suggest as a remedy is, to let them take to the long lines and give up the trawls, but do not let them spoil our

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trade and destroy the fishery. If they get the line they now look for, they might as well have the whole lough. The herrings are supposed to spawn in any place where there is a dark bottom and soft ground. I could not undertake to say that herrings spawn between the Salt Pans and Knockalla. The spawn of the herring is only the size of oatmeal; it runs together and comes sometimes in lumps driven in upon the shore on the sea-weed. I have seen it come in upon the shore on the sea-weed near the Salt Pans. I saw it different times on the Newbridge beach. The trawlers could not work in there. By giving them the line they ask for, they will only get what they are in the habit of taking. I admit that the trawlers cannot get a living if they observe the present by-law and confine themselves to the present limits.

John Eakins, sworn; Examined by Mr. *Barry*.

I HAVE been in the coast-guard service these 20 years. I am the chief boatman here. I am two years and five months at this station. I fish a little myself with the long line and the hand line. The fish we get is mostly codling. In the two and a half years that I have been fishing here I only got two flukes, or plaice, such as the trawlers get, and the trawlers do not get many of the kinds of fish that we get with the line. They do not get codling springers, or whiting, as we do, and we do not get flat fish as they do. I often saw that the trawlers passed the line, but we could not get them in the act. If they confined themselves to the legal line, they would not be able to support their families. I think it would not do very serious injury to the long-line fishermen to allow the trawlers to come in farther. I think that their fishing ground may be extended without doing any injury to the long-line men. Before the by-law was passed they trawled where they liked; that was up to 1844, and they never took any of the sort of fish that is taken by the lines. I knew the bay before the by-law. I believe that the fish are getting scarcer and scarcer every year; but the flukes are more plentiful now than they were then. The trawlers seemed to get a good many flukes this year. I cannot tell why the fishing was better last year. As far as we were able we prevented the trawlers passing the line of the by-law. I have the registry of the boats at this side, and I am of opinion that out of 20 registered there are not perhaps more than three fishing. There is only one boat out of Rathmullen that fishes for herrings. When the herrings are plenty, a good many boats come over from Inch and other places. The one boat from Rathmullen that fishes for herrings belongs to Charles Magee.

A Fisherman.] They were stopped from trawling for a run of six months, at one time, upon the ground below Knockalla, and that had the effect of greatly increasing the quantity of fish. I often caught six dozen of fish on one line after that.

Charles Magee, sworn; Examined by Mr. *Barry*.

I AM a fisherman, backwards and forwards; not altogether, but occasionally. I fish for herrings in the season, and with long-lines and hand-lines. I am acquainted with the lough about 30 years. I rather think the fish are diminishing. The fishing is no better, at any rate, than it was 30 years ago. I do not see either any great harm, or any great good, in the by-law. As to my fishing, it does not do me any harm. It is said that the trawlers encroach on the limits of the by-law, but I do not know it of my own knowledge. I cannot say that I have fished upon ground that had been lately trawled over. My fishing is upon the ground where they do not come at all. They always keep clear of my nets and lines. They have always drawn off when they saw my boats fishing. I think the principal spawning-ground for herrings is above the Salt Pans. The principal spawning-ground is from the Black Rock up. I have seen them spawn there, but I have never been north of that. I do not think it would injure the spawning-ground to extend the limits of the trawlers. I have been a trawler myself sometimes. Upon my oath, I believe that trawling in the ground now sought for would not be an injury to the fishery, or to any interest in the fishery. I never saw spawn of fish taken in the trawl. I have frequently seen a train of trawl boats going one after another, and the last boat astern getting as many fish as the first. I was speaking to the fishermen at Inch, and they were of opinion that if the trawls kept within the line of the Black Buoy and Muckarnish they could do the line fishermen no harm.

John Kennedy.—I beg to state, as the memorialist, and on the part of the trawlers, that the close season should be from the 1st November to the 1st April.

Mr. *Barry.*—I will submit to the Board the evidence taken, but I cannot promise that any immediate action will be taken upon it. I may tell the long-line fishermen that there is a probability that Parliament will be asked to make a law that trawlers may trawl wherever they please without any restraint. A commission, consisting of two Members of Parliament and a most eminent naturalist, have issued a very voluminous report, having examined more than a thousand witnesses; and they recommend that there should be no restraint upon trawling at any time or place. We rather think that the principle of "live and let live," should be the rule; that a reasonable tract of ground should be allowed for trawling in, and that the line men should be permitted to follow their pursuit. We are not of opinion that trawling at all times and in all places may not be injurious to the fishery; but it remains to be seen whether the Legislature will act on the recommendation of the Royal Commissioners.

This closed the proceedings.

John P. Brophy.

21 June 1866.

Cod Fishing.

Commenced Cod Fishing the 1st December, ending the last of April.

	Buoys.	Lines.	Value of Lines.	Number of Men.
			£. s. d.	
Granuweal	5	6	9 18 –	10
White Star	4	7	11 11 –	10
Peep-o-Day	5	4	6 12 –	10
Tanti Cruz	6	6	9 18 –	10
St. Peter	8	8	13 4 –	10
John	8	8	13 4 –	10
Ajax	6	10	16 10 –	10
Rock	3	6	9 18 –	11
May Maid	7	5	8 5 –	10
Experiment	6	7	11 11 –	10
Maria Rickard	4	5	8 5 –	10
Morning Light	7	7	11 11 –	10
Pet	8	8	13 4 –	9
Mary Moore	3	6	9 18 –	10
Patrick and Esther	9	10	16 10 –	10
Tantivy	4	4	6 12 –	10
President	7	8	13 4 –	10

Number of Buoys - - - - 100
Value of ditto - - - - £. 35

Number of Lines - - - - 115
Value of ditto - - - - £. 189 15*s.*

Number of Men - - - - 170

Henry D. Binney, Harbour Master.

Piers and Harbours.

Condition and State of Repair of Piers handed over to the Counties, under 16 & 17 Vict. c. 136.

County.	Pier.	Condition and State of Repair.	Estimated Cost of Repair.
			£. s. d.
Antrim	Cushendal, or Red Bay.	Two breaches temporarily repaired, and arrangements made for their permanent repair, other portions by no means secure; these it is intended to secure to the extent allowed by a presentment passed at the Spring Assizes, 1865.	
Clare	Ballyvaughan	Much injured about four years since, but injured part rebuilt by presentment last winter; about 110 feet of the part not before repaired was much shaken and partly thrown down; a presentment obtained at last Sessions for repair of this, and, when done, almost the entire retaining wall will have been rebuilt within five years.	

PIERS AND HARBOURS—*continued.*

County.	Pier.	Condition and State of Repair.	Estimated Cost of Repair. £. s. d.
Clare	Liscannor	About 30 feet of parapet much shaken last winter, but presentment obtained for its repair.	
	Kilbaha	Part of paving at foot of pier shaken and disturbed, and roadway bad; in this state for a considerable time. No presentment obtained for its repair.	
Cork	Cape Clear (North Harbour).	Toe of pier exposed; slight settlement in parapet, but not of any great consequence, as the toe can be secured by throwing down a few loads of heavy stones. The boat harbour is in a very dilapidated state owing to a sea wash at certain points of the wind, and the fishermen dragging their boats up the steep banks.	
	Cape Clear (South Harbour).	Steps undermined; sea wall, uniting the rock with the mainland, and parapet wall, damaged; portion of the quay wall at another point slightly undermined.	25 – –
	Glandore	Head of pier swept away, and toe of sea wall injured, and berths for vessels filled up. Presentment passed, and works progressing.	
	Ballycotton	Sixteen feet of the northern end much injured, part of foundation given way, stones fallen out and remainder of wall cracked to the coping; a heap of rubbish impedes the passage of boats; on east side a settlement, and wall bulged out and cracked to top of parapet. This settlement is of six or seven years' standing; 23 feet of coping and 10 square yards of paving require repair; mooring rings and pointing also required. A safe harbour would be of immense advantage; but large additional works necessary for the purpose.	
	Burrin	In perfect good repair.	
	Castletown	North wall of approach in a ruinous state, coping broken and thrown down; accumulation of sand to be removed.	45 – –
	Courtmacsherry	Top of masonry and coping greatly damaged, mooring-stones torn up, and quay wall carried away to a depth of 3 feet 6 inches in some places; berths for vessels destroyed and filled up by discharge of ballast. Cost of repair and removal of rubbish, 50 *l.*; timber mooring posts, 20 *l.*	70 – –
	Baltimore	Toe of sea wall exposed; a little under-pinning and repair of coping required; five or six years since end of parapet was repaired, and the rubbish was thrown down outside the pier-head, thus injuring the berths.	25 – –
	Skull	Some stones torn out; but there is a balance in hand for repair.	
Down	Annalong	In a perfect efficient state of repair; the inside has just been cleaned out by county presentment. Fender-blocks secured to the side of the pier would prevent the vessels chafing against some rocky projections at the base and sides. Some shingle and rocks are to be soon removed from the entrance.	
	Ballywalter	Generally in good repair; pointing required, which will be done without delay, as a presentment of 20 *l.* has been made for the purpose; mooring-stones also required, for which a presentment will be sought. The harbour has been considerably deepened and rocks removed since the pier was handed over to the county.	
	Newcastle	The pier itself in very good repair; presentment to be sought for extending the road pavement. The harbour much silted up, in parts to the depth of 9″.	
Donegal	Ballyness, Portnablahy, Moville, Greencastle, Rathmullen.	All, except Moville, in what may be called good repair, having been frequently repaired by the county; but their condition is very unsatisfactory, owing to bad internal construction. The stones have frequently to be reset and wedged together, and pointed with cement. Moville is altogether a perishable structure, and the propriety of letting it go altogether is now much debated.	
	Bunatrahane	No trace of pier except an irregular heap of loose rubble stones, and an excavation in the rock; some masonry had existed, but it was completely swept away a few years ago.	
	Bruckless	In good repair, only requiring a little pointing	3 – –

PIERS AND HARBOURS—*continued.*

County.	Pier.	Condition and State of Repair.	Estimated Cost of Repair. £.	s.	d.
Donegal	Killybegs	In good order.			
	Teelin	A rough, but strong structure, uninjured by storms or shipping.			
	Mountcharles	In excellent repair.			
Dublin	Rush	All work in a satisfactory and substantial state; 110 *l.* lately expended in general repairs.			
Galway	Arran Island	In perfect order, except the surface paving, which requires repair.	10	–	–
	Ballinakill	In good condition except a small part of the quay face	10	–	–
	Bunnowen	Sea face and part of quay wall require repair	30	–	–
	Claddagh Quay	In good condition.			
	Errislannon	Both breakwater and quay in a dilapidated state, and require considerable repair.	80	–	–
	Kilkerrin	In good repair.			
	Tarrea	In fair order; trifling repair required	10	–	–
	Rosroe	In a dilapidated state, part of sea pavement washed away, and quay wall very insecure.	100	–	–
	Clifden	In fair order, but the accommodation is very insufficient for the fishery of the coast and the trade of the town.			
	Roundstone	In good condition; 100 *l.* recently spent upon it by county presentment.			
	Ardfry	Slight repair required	10	–	–
	Barna	Repair required in sea pavement and pier head	30	–	
	Cleggan	In perfect repair; 80 *l.* recently spent upon it by presentment.			
Kerry	Blackwater, Greenane, Ventry, Brandon, Dingle, Kilmakillogue, Valentia, Cahirciveen, Kenmare, Tarbert.	All in good repair with some trifling exceptions. Presentments have been expended on Dingle, Valentia, and Kenmare, and work now in course of execution at Brandon; Harbour constables were appointed at all at salaries varying from 5 *l.* to 7 *l.* a year, when the piers were handed over to the counties in 1854. A very good four-ton crane erected at Tarbert.			
Louth	Carlingford	In better order than when given over to the county; granite mooring-posts and timber fenders erected; roadway repaired and pierhead strengthened by iron ties. In charge of harbour constable.			
	Dunany	Badly built originally and still unfinished. The head is protected by timber groins, which are repaired occasionally by Sir A. Bellingham, the owner of the adjacent property. The county grants small sums from time to time to clear out deposits of shingle.			
	Clogher Head	Nothing done since handed over to the county. Clearing out harbour and repair of masonry desirable.	70	–	–
Mayo	Newport	Repairs required	10	–	–
	Roigh	Ditto.	10	–	–
	Clare Island	In perfect repair.			
	Muing Creena	In same condition as when completed.			
	Tarmon	Part of parapet under coping and paving of road surface require repair.			
	Belmullet Canal	In good condition, but the timber bridge much decayed, and must be shortly removed.			
	Broadhaven, Belmullet, Saleen.	In perfect order and repair.			
Waterford	Ballinagoul	Masonry generally in fair order, but some pointing and repair in the foundation required.	13	10	–
	Ballynacourty	Wall at west end out of plumb, and some stones displaced; the wall must be ultimately taken down and rebuilt; the cost would be	50	–	–
		The cost of resetting displaced stones would be	1	10	–
Wexford	Slade	In fair order; lately repaired.			
	Duncannon	Kant at end settled considerably, arising from the soundings being deepened by the scour round the pier-head. Very questionable whether it is not best to allow it so to settle as long as there is not any proximate danger.			
	Fethard	In fair order; lately repaired.			
	Courtown	In pretty fair order.			
	Kilmore	In pretty fair order; has been twice repaired by replacing disturbed stones.			
	Cahore	In pretty fair order; some displaced stones in pier-head ordered to be repaired.			
Wicklow	Greystones	Pier now pretty much in the same order as when handed over to the county.			

RELATIVE POSITION of the SCOTCH and IRISH FISHERIES with reference to the AID afforded by GOVERNMENT under the ESTIMATES for 1867–8.

SCOTCH FISHERIES.	£.	IRISH FISHERIES.	£.
Office Staff:			
Secretary, Clerks, Messengers, Porters	1,409	The Office Staff is supplied by the Board of Works, to whom the Irish fisheries were transferred on the formation of the Board in 1831, and on account of which Board, to which there is no equivalent in Ireland, a sum of 24,620 *l.* is voted in the present year's Estimates.	
Inspecting Staff:			
General Inspector, Assistant ditto	470	Inspecting Commission	600
Travelling	1,000	Travelling	350
Contingencies:			
Law Expenses £500		All these contingencies are defrayed out of the general funds of the Board of Works, on account of which one-third of the amount for Scotland may be fairly taken	600
Printing and Stationery £150			
Miscellaneous £350			
Harbour Inspectors £350			
Civil Engineers £100			
Rates, Taxes, and Fuel £350			
	1,800		
Marine Department, including Pay of two Commanders of Vessels	2,100	Ireland possesses no corresponding department.	
Police	1,000	The police for Ireland is in a great measure supplied by the Constabulary, to which there is no corresponding body in Scotland, and also by the Coast Guard, who are much more numerous in Ireland than Scotland, and now are, by the Fishery Acts, required to give their services.	
Pensions to Retired Officers	1,123	The retirement from Board of Works partly represent this, which, however, is no advantage to the fisheries.	
Twenty-six Officers for Branding and Collecting Statistics	3,764	No equivalent to this establishment in Ireland; the statistics are collected by Coast Guard, and Board's officers employed on other and general services; they are also obtained from private parties.	
Piers and Quays:			
5 Geo. IV., c. 64; 48 Geo. IV., c. 110; 39 Geo. IV., c. 109	3,000	Since the passing of the Acts 9 Vict. c. 3, and 10 & 11 Vict. c. 75, the sum of 90,000 *l.* has been expended or appropriated, giving an average expenditure of about 4,250 *l.* a year A further sum of about 7,500 *l.* is about to be expended for the same purpose in the present year.	4,250

The Financial Advantages which Scotland possesses over Ireland may therefore be stated to stand thus:—

SCOTLAND.	£.	£.	IRELAND.	£.	£.
Travelling	650		Excess of Salary of Inspecting Commissioners	130	
Contingencies	1,200				
Marine Department	2,100		Excess of Allowance for Piers and Quays	1,250	
Branding Officers	3,764				
		7,714			1,380
IRELAND	£.	1,380			
		6,334			
Deduct Fees on Branding for 1866	£.	4,055			
Difference or Advantage	£.	2,279			

Appendix, No. 4.

PAPER handed in by Mr. *J. Redmond Barry*, 5 July 1867.

Suggestions for the Consideration of the Committee.

App. No. 4.

The Chairman of the Select Committee on the Sea Coast Fisheries (Ireland) Bill, having kindly afforded me an opportunity of offering such suggestions for the Committee as may be the result of my experience, and, taking into consideration the information furnished in the evidence which I have had the advantage of either reading or hearing, I avail myself of this permission to record my humble opinion upon the subject.

1. I am quite willing to admit that there is a great and urgent necessity for a change in the system of management and administration of the sea coast fisheries of Ireland.

2. That they should be, more than they are, a source of increased employment, of cheap food, and of considerable wealth to the country.

3. That, excepting only the east coast herring and the south coast mackerel fishery, the sea fisheries of Ireland are in an extremely languid and declining state.

4. That, amongst other causes not under human control, this state of things is to some extent attributable to a deficiency of active and vigorous management, supervision and encouragement.

5. That a remedy, as regards management and supervision, might have been sufficient at an earlier period, and before decline had so nearly approached to extinction; but that this branch of industry has so fallen away as to require stimulants and aid, which, under other circumstances, may be regarded as exceptionable, or not in accordance with modern principles of political economy.

6. That the subject of improved or altered administration would appear to be the first and most important object for the consideration of the Committee.

7. That in determining upon this question it is desirable to keep in view three objects, speed in the application of the remedy, efficiency, and economy.

8. That while I fully admit that the non-interference principle seemed to have been unfortunately the ruling condition under which the Board of Works Department originally accepted the important trust of the management of the fisheries of Ireland, I am equally convinced that in the skeleton to which that department has been reduced at present, there may be found quite as much knowledge, judgment, and zeal as in any new department that could be formed. Its services would be, in some of the most important points of aid to the fisheries, not only valuable but indispensable; and I do most sincerely and conscientiously believe that if a little more steam were let on by the higher powers, and the requisite means were afforded, a most useful and valuable system of management may be established without very much increased expense.

9. That I still adhere to the opinion expressed by me to the Committee, that in addition to the two present Commissioners of Public Works, whom I know to be men of sound judgment and great industry, there should be appointed a third, with co-extensive powers, or, like myself and my former colleague, solely confined to the fisheries; but in either case that he should be well qualified, and of a position to command respect. That the chief government of the fisheries should be vested in this officer, aided by myself, for the short time that it may be permitted, and by the counsel, upon important questions, of the two other Commissioners, and that for that purpose it should be competent to one or all to call for a fishery board when required, but at least once a week, attended by a principal clerk of experience in the matter, whose duties, under the present Secretary of the Board, shall be to record the proceedings at the Board, to receive and act upon instructions, to report the proceedings at public inquiries, and to conduct the correspondence, the other officers of the present Board being, as usual, available for aiding the Fishery Department.

10. That as an extern staff there should be appointed four local inspectors, one for each province, whose duties should be active and vigilant supervision of their respective coasts, each making himself well acquainted with the several places where a fishery may be prosecuted, and with the efficient aid of the Coast Guard Department, promoting industry and preserving order, by means more effective than force, by counsel and instruction, and by securing the confidence of the different classes.

11. That in addition to the enlargement of the Piers and Harbours Fund under the management of the Board of Works, there should be placed at the disposal of the Fishery Board a sum of money as a Fishery Loan Fund, to be managed under their direction by the staff herein proposed, with the aid of the coast-guard; and that it may be competent to them, upon the recommendation of their extern officers, and a due inquiry by the fishery branch of the department, to award to any member of the coast-guard, who, during the preceding

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ceding year, had evinced extraordinary zeal and activity in the promotion of the fisheries, a fair and reasonable remuneration proportionate to the trouble which he had taken, or to the assistance he had afforded.

12. That the several sections relating to the Sea Fisheries of the 5th & 6th Vict. c. 106, the 7th & 8th Vict. c. 108, the 8th & 9th Vict. c. 108, the 11th & 12th Vict. c. 92, the 13th & 14th Vict. c. 88, and the 29th & 30th Vict. c. 97, should, after mature revision, be consolidated into one simple and intelligible statute, from which should be excluded all minute details in reference to restraint, but that full and ample powers be given to the governing department, after public meeting duly advertised and inquiry, to frame such bye-laws and regulations as they shall from time to time consider necessary; but subject to the sanction and approval, in all cases, of the Lord Lieutenant in Council.

13. That on the requisition of any five persons interested in the fisheries, addressed to the governing department, with the approval of the local inspector, and of the inspecting or divisional officer of coast-guard, stating the necessity for either the exploration of any fishery bank, or the making an experimental trial of the nature and bottom of any fishing-ground where injury was stated to have taken place through any particular mode of fishing, to call upon the Lords Commissioners of the Admiralty for the aid of a suitable vessel, or, if necessary, to hire a well-equipped vessel with trawling or other apparatus with which to make such experimental trial, either in ground open, or ground where trawling or dredging is, or may hereafter be interdicted, or in any time or seasons, whether close or open; and that the result of such experimental trial shall in each case form a part of the annual report of the governing body to the Lord Lieutenant, to be laid before Parliament, and that such annual report shall also contain a distinct and separate report from each of the local inspectors relative to his own district.

In this paper the expediency of granting loans to individual fishermen, is, in some degree, a deviation from the views expressed by me on the first day of my examination, and requires an explanation so far as an assurance that I never at any time doubted the value of such aid to the people, or its importance in resuscitating our fisheries; but I feared the practicability of its administration without a staff that would not, in other respects, be necessary. I am, however, on consideration, quite confident that much good in that direction may be done to a limited extent, even by the staff that I propose; and upon this subject I beg to subjoin a letter which I have received from a most intelligent Roman Catholic pastor, of a sea-girt parish in the county of Cork.

I am, &c.
(signed) *J. Redmond Barry.*
4 July 1867.

Barryroe, Timoleague,
My dear Sir, 5 March 1867.

In reply to your letter of the 27th ultimo, in which you inquire how far, to my knowledge, have loans in aid of fisheries been useful to those in this parish who received such accommodation, I must say that they have been useful not only to the parties so favoured, but to many poor families also in their neighbourhood. A seine, for instance, purchased with money advanced to a farmer, becomes in a degree a joint-stock property, in which twelve poor men become working partners; for these get an equitable portion of the fish directly they bring it ashore. I would suggest that loans to a large amount be given to such only as could pay the instalments from other sources, should the fishery for a season turn out a failure. With respect, however, to poor men, who fish with lines and trammels, I have to state that these, by reason of their poverty, buy their fishing-gear at 30 per cent. above cash prices, and are moreover sometimes constrained to borrow money at an enormous rate of interest to pay for what they had bought on terms so disadvantageous. I would regard as a boon any well-organised system which would, above all, provide for trammel-men small loans not exceeding five pounds.

I am, &c.
(signed) *Jeremiah Molony,*
P. P., Lislee.

James R. Barry, Esq., Commissioner,
&c. &c. &c.
Office of Public Works,
Custom House, Dublin.

Appendix, No. 5.

STATEMENT of Mr. *Thomas F. Brady*, late Inspector of Fisheries in Ireland, and now Secretary to the Special Commissioners for Irish Fisheries. App. No. 5.

In compliance with the directions of the Committee, I beg to append the following statement in addition to the evidence I have given :—

1st. With respect to my reply that the evidence taken on the different occasions on the subject of trawling, did not, in my opinion, justify the recommendations to make the bye-laws prohibiting this mode of fishing in the different bays in Ireland, and also that I did not think the Board of Works, from its other multifarious duties, could have given the subject sufficient consideration, I will instance the following cases :—

Dublin Bay, 10 October 1842.

Trawling was prohibited in this bay within two months after the Act giving the power to the Commissioners to make such bye-laws had passed. An application was made to repeal this bye-law in 1863, and nothing has ever been done on the subject.

Galway Bay, 22 March 1843.

Trawling was prohibited when there was only one trawling yacht in this bay. The bye-law is dated 22nd March 1843, and in the Report of the Commissioners to Parliament, dated 11th June 1844, they say, "To show how far prejudice against a "novelty may be carried, we received the most "pressing remonstrances from the fishermen in "the Bay of Galway, because a single yacht had "occasionally fished with a trawl in those extensive waters, drawing an inference that because "the ordinary fishing season happened to be bad "during the year of the introduction of this trawl, "that the evil was created by it."

Brandon Bay.

Only one trawler ever worked in this bay within Mr. Barry's recollection of 40 years, and that was a short time before the bye-law was made.

Dundalk Bay, 14 February 1851.

Meetings were held only in Skerries and Clogher previous to making this bye-law, and no evidence was taken with respect to Dundalk Bay; and though there was a meeting held to repeal the bye-law in 1860, and strong evidence in favour of its repeal given thereat, nothing has been done.

Dundrum Bay, 3 December 1851.

No trawling allowed here previous to this bye-law, according to a conventional arrangement between liners and trawlers, yet the bye-law was made prohibiting it.

Belfast Lough, 25 October 1854.

At the time of making this bye-law, the Commissioners had reported, that Carrickfergus "seemed to have been an exception to the general case of decline, and from this fact, as well "as the cause to which it is attributed, a fair "inference may be drawn that steady industry, "perseverence, and exclusive devotion to the "object, will in most seasons be rewarded."

Ever since, the fishermen have been declining, and the fisheries getting worse, and though a meeting was held in June 1866, with a view to repeal the bye-law, and there was unanimity amongst the liners and trawlers as to the necessity of repealing it, nothing has been done in the matter.

Lough Swilly, 27 June 1844.

Meeting held to repeal bye-law in June 1866, and nothing done since.

Waterford Harbour, 2 March 1852; 18 June 1860.

In his evidence, Colonel M'Kerlie stated this bye-law, allowing trawlers under 5 tons to fish inside Creden Head, was a compromise between the large and small trawlers; and that no restrictions were applied for against all trawling. The first bye-law made in 1852, restrained all trawling; and this was repealed, and an amended one made in 1860. The recommendation on which this latter bye-law was made, however, was "that light trawlers should be allowed to work, except in January, February, and March." The bye-law allowed them all the year. Evidence was given that when trawling allowed, soles up to 8 lbs. a pair were taken inside Creden Head, and since it was prohibited, only 2 to 3 lbs. outside.

Kenmare Bay, 10 November 1865.

Bye-law made preceding Report of Royal Commissioners; and according to a letter received from the agent of Marquis of Lansdowne, the trawlers are now lying idle, and the market of Kenmare unsuppliedwith fish; "that the displacing of the trawlers for "the sake of the trammels by the bye-law has "been a serious public injury, and a large capital "in trawlers is almost idle." The Commissioners reported to Parliament under date 21st April 1865, on the subject—"We think it proper to defer our "decision until we shall have received the Report "of the Royal Commissioners who were specially "appointed to consider this and other matters "connected with the sea fisheries in this country, "as well as Great Britain." And, notwithstanding, this report this bye-law was made in a few months afterwards.

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Dingle Bay.

The repeal of the bye-law prohibiting trawling in Dingle Bay in 1862, which had been in force for 10 years previously, has been productive of great benefit to the fisheries; and all classes of fishermen have been working harmoniously together ever since.

Wexford Harbour.

Trawling has been carried on within Wexford Harbour, except when boats are engaged in mackerel or herring, or drift net fishing; and the fisheries have not declined, and no complaints have been made by any class of fishermen of the practice.

Under all these circumstances, I respectfully submit the subject has not received fair consideration; and the bye-laws made prohibiting this mode of capturing fish, have not produced any good results, but on the contrary have tended to retard and prevent private enterprise, as the instance which I quoted in my examination, of a proprietor being anxious to put two first-class trawlers in Donegal Bay, if he were assured no bye-law would afterwards be made by the Board to prohibit their use, will testify.

I am far from advocating that no restraint should be put upon engines which are proved to be destructive to the fisheries; but I do say that until it is clearly proved that injurious effects are the consequences of the use of certain engines used in the deep sea fishing, it is impolitic to apply restraints; "and in all cases of doubt, the wisdom is to abstain." The Commissioners in 1836 were of this opinion, and they further say with respect to this mode of fishing, that "there is no part of "the investigation more beset with difficulties "than to ascertain the point to which the legis- "lature is bound to restrain the fishermen in the "exercise of his art, with reference to engines, and "to practices deemed dangerous to the preserva- "tion of the breed of fish. It is here that evidence "fails altogether to satisfy the mind, scarcely a "single fact being advanced which is not positively "contradicted by equally respectable testimony."

"Of the trawl," they say, "it cannot be doubted, "notwithstanding many contradictory statements, "that the produce is abundant, and obtained with "comparatively little labour; in short, that it is an "effective instrument, in so far tending to bring "down the price of fish and to depress th condition "of those who use inferior methods. To this cause "some part at least of the complaints must be "attributed with which its use is assailed."

I do say, with great respect, that in every case in Ireland in which evidence has been taken, very grave doubts exist as to the necessity of prohibiting this mode of fishing, and that ample time (now 25 years) has elapsed to prove whether these restrictions have been beneficial; and the very contrary has in every case been proved, and notwithstanding this they still remain in full force, and up to 1865 have been further applied, though the Commissioners' Report in 1849, as follows:—

"We are happy to report that this productive "mode of fishing seems steadily on the increase, "and with beneficial results, wherever a suffi- "ciently near or quick market can be obtained "for the superior kind of flat fish, which are taken "in abundance by these engines.

"Attempts have been made to extend it along "the western coast, but, whilst the trials made "have proved the abundance of fish which could "by this means be taken, we cannot hope to see "it successfully applied until the rapid and cheap "conveyance which railways will afford enables "the fisherman or fish merchant to send the pro- "duce in a perfectly fresh state to the towns in "the interior, and the more prosperous districts of "the east of Ireland and England.

"We have steadily persevered in discouraging "the opposition and prejudices against this and "other productive modes of fishing in the sea, "which habit, narrow views, or self-interest have "aroused or established.

"But we have been supported in the course "we have adopted, apart from the natural "history portion of the question, by a considera- "tion of the vast extent and illimitable supply of "the ocean, and by the experience attained in "all fishing communities for a number of years, at "the same time that there is a total absence of "proof of a reduction of fish taken, but on the "contrary, evidence of its positive increase in "proportion as these productive modes of capture "are more used."

In several other reports, they have likewise stated their objections to applying restraints.

Oysters.

On the subject of the benefit from the oyster licenses granted by the Board, I would refer to the Report of the Commissioners in 1865, in which they say, "We continue to receive as- "surances of the progressive improvement in "the several new beds that have been formed;" and to the words used by Mr. Barry at a public meeting held in Rathmullen, County Donegal, on the 20th June 1866: "I am happy to tell you "that the good resulting from the planting of "oyster beds has been almost incalculable."

With regard to the public oyster fisheries, the present Acts give power to the Commissioners to suspend for a period all dredging, and also to make such bye-laws as they may consider necessary for the benefit of the fisheries. In no case has the first power been exercised, and the latter in only six cases, the first of which was in 1853, having reference to Cork Harbour, which was productive of great good; and yet it was not followed up until 1860, in Tralee Bay and Achill Sound.

In 1844 Mr. Barry reports, with reference to Lough Foyle Oyster Fishery, that "there was a "universal concurrence of opinion as to its ex- "hausted state, and no difference as to the cause "being excessive dredging, and an improvident "disregard to common prudence on the part of "the dredgers, &c." In same Report, he says, with respect to the Kinsale Oyster Fishery, "The "letter of Mr. Newman, which accompanies this "Report, coming from the opposite shore of Ire- "land, affords a strong proof of the salutary effects "of rest; and if I were not restrained by the fear "that those persons who now pursue the occu- "pation would be thrown into a great state of "destitution, I should, unhesitatingly, recommend "the adoption of a 'jubilee' for one or two years; "but for the present, I beg to submit for the "Board's consideration, the expediency of passing "a bye-law; 1st, including the months of Sep- "tember and April, in the close season; and, "2ndly, adopting the Articles 47, 48, and 49 in "the Convention Regulations, and substituting "two inches for two-and-a-half inches in Article "48." In a Report from the Commissioners of Public Works of the same date, they say with respect to the Lough Foyle Oyster Fishery, "it "will

"will probably be better to lengthen the close "season, fixed by the Act." Again, in 1850, they say, "The oyster fisheries of Ireland have suffered "much injury, and have been greatly deteriorated "in value by abuse in over-dredging at improper "seasons, as well as neglect in returning to the "beds the unsizeable portion of those taken up "with shells and other hard substances, to which "the spat of salmon adheres until it has arrived "at a certain age and size." Again, in 1851, the Inspecting Commissioners say, "All the public "oyster fisheries in Cork Harbour are in rapid "progress of extinction."

Nothing, however, was ever done, notwithstanding these reports, with respect to the Kinsale, Lough Foyle, or other oyster fisheries, and not till 28th October 1853, with respect to Cork Harbour.

In 1852, they say they are determined to inquire into the subject of permitting the taking of oysters on the Wexford coast in May, as the permission has been greatly abused, and "it is said "the Banks are in rapid progress of exhaustion," and yet nothing was done till ten years after this Report. Again, in 1855, they say, "We find all "the public beds within the estuaries, and close "to the shore, are in rapid progress of exhaustion "from having been overworked." Again, in 1856, they say, "The complaints of great exhaustion are "still general; it must continue to be felt unless "some decided measures are taken to prevent over-"working and the destruction of the brood and "young fish." * * * In "Lough Swilly and "Lough Foyle, where at present there is scarcely "an oyster worth taking to be found."

In 1857 they say, "The work of exhaustion has "been progressing to such a degree that it is "greatly to be feared that so far as oysters are "concerned our shores will be everywhere a barren "waste, except in the great deep sea beds upon "the eastern coast." In 1859 they say, "Nearly "all the public natural beds have been worked out "by over-dredging and improvident neglect in not "restoring the unsizeable oysters to the Banks." Notwithstanding all these reports, nothing was done, save, as I before said, in Cork Harbour, until the year 1860. I have quoted thus from the reports of the Commissioners to show that although the oyster fisheries were according to their own opinion rapidly going to decay, nothing was done to restore them for many years, owing, as I firmly believe, to the other many and perhaps more important duties devolving on the Board, which naturally prevented them from being able to give the subject that consideration which was necessary.

Loans.

With reference to the loans proposed by the Bill, I am fully persuaded they would be of more benefit to the country than can be conceived, and I believe, would not be attended with any loss to the state if judiciously administered.

It is true that a loss of over 10,000 *l.* occurred in former loans in 1830; but it should be borne in mind that this arose from the sudden stoppage of the loans and the discontinuance of the bounties in that year, the occurrence of two successive unproductive seasons, and the severe distress with which in the year 1831 the inhabitants of the West of Ireland were visited, and that in consequence the poor fishermen were unable to fulfil their engagements as formerly, and were therefore in arrear. Notwithstanding this depression a sum of 2,182 *l.* 17 *s.* 8 *d.* was repaid after the loans and bounties had ceased, and out of 2,022 *l.* lent to three fishing stations, 1,870 *l.* had been repaid; I am led to believe, however, that the loss to the State did not amount to the sum of 10,000 *l.*, for though the balance of outstanding loans at the time the affairs were handed over to the Board of

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	£.	*s.*	*d.*
Works amounted to - -	- 12,802	6	2
there was repaid a sum of -	- 2,182	17	8
leaving a sum outstanding of	- 10,619	8	6

But by the Commissioners' Reports for 1827 this included a sum 4,203 *l.* 7 *s.* committed to the management of the Commissioners by the London Tavern Committee in 1822, and incorporated by authority of that body with the other moneys which constituted the Irish Fishery Loan Fund.

I think the benefits at that time derived from the system more than counterbalanced the loss to the State, whatever it was, which the following extracts from the reports of the Commissioners who administered that Fund will abundantly prove:—

"The system of loan funds for the relief of "struggling industry has been tried in several "parts of Ireland, and is believed to have operated "favourably, as well on the morals as on the "physical condition of the poor; the Commis-"sioners are therefore led to a conviction that "local loan funds for the fisheries might tend to "an improvement in the condition of the fisher-"men, and communicate a desirable increase of "activity to the trade.

"The question, therefore, in their opinion, is, "not as to whether an annual sum of money, dis-"posed of in bounties, should make a productive "pecuniary return, but whether money so bestowed "as to relieve poverty, promote industry, increase "the general supply of food, and furnish a main "supply of naval strength, be not a most politic "as well as benevolent application of a portion of "the public funds, producing moral and political "results greatly paramount to any pecuniary "consideration.

"Of the great capabilities of the Irish fisheries, "the members who now compose this Board have "been long convinced; but the principal impedi-"ments which formerly paralyzed those capabili "ties were, first, the extreme poverty of its coast "population, and secondly, the want of some "legislative encouragement in aid of the feeble "efforts of pauperism.

"It would, indeed, be an ungrateful return "towards that most charitable body, the London "Tavern Committee, if the Board of Irish Fisheries "passed by an opportunity (but particularly one "so important) of joining their portion of grati-"tude to the general feeling of their countrymen "towards that munificent body. Through the "medium of their exclusive liberality, a fund has "been established in that district for the repairs "of poor fishermen's boats, on the principle of "loan, annually reproductive and applicable to "the same object. In order, however, to render "this fund reproductive, security for the repay-"ment was quite essential, This, at first, created "some impediment to any immediate benefit from "the fund, but the general integrity of the fisher-"men, gradually induced their landlords and others "to step forward in their behalf, and the result is "that, from the period the fund came fairly into "operation (about 12 or 13 months since) to the "present day, there were nearly 450 boats repaired,

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" at an average cost of about 2 *l.* 12 *s.* each, pro-
" bably because the aid solicited was not given,
" in any instance, in money, but in materials, at
" prime cost.

" On the third head (the repairs of poor fisher-
" men's boats), the Commissioners beg to observe,
" that loan funds for this desirable object have
" been established in many of the maritime coun-
" ties, and essential benefits experienced from
" them in those quarters where local difficulties
" have not tended to impede their prompt opera-
" tion. Those difficulties are, however, every day
" diminishing; and as the principle on which this
" species of aid is given renders repayment, by easy
" instalments, absolutely necessary, the benefits
" arising from such loan funds become thereby
" perpetuated.

" From the establishment of loan funds to assist
" poor fishermen in the repairs of their boats, the
" Commissioners have to report the most bene-
" ficial results. The aid in this case being fur-
" nished in materials, and not in money, precludes
" the possibility of any misapplication of the relief
" afforded. For the means of carrying such insti-
" tutions into effect, the Commissioners are exclu-
" sively indebted to the London Committee, who
" placed, in 1822, a sum of money under their
" management for the promotion of this object.
" The details of those institutions are transmitted
" to the London Committee (now directors of the
" Irish Loan Fund) in periodical reports from
" this Board; and it is with extreme satisfac-
" tion the Commissioners have to state, that in
" the management of such portion of the money
" as they have been enabled to superintend
" through the medium of their own officers, the
" benefits have even exceeded their expecta-
" tions, and have proved so far satisfactory to
" the donors of the funds as to induce them to
" transmit to the Board a resolution expressive of
" their thanks.

" Besides, whatever be the institution that
" tends to promote industrious habits, it must ne-
" cessarily produce moral advantages, and, in a
" country like Ireland, labouring under the bur-
" then of a dense and poor population, that insti-
" tution which tends in any degree to produce
" those advantages becomes a fair subject for
" national consideration and legislative encourage-
" ment.

" A brief statement of the facts set forth in the
" foregoing account, will justify the Commis-
" sioners in the hopes already expressed by them,
" of the ultimate success of the Irish Fishery Loan
" Fund. On an examination of its details, there
" will appear no less than 2,120 cases of relief,
" either by repairs of boats or supplies of suitable
" apparatus, at the small cost of 7,623 *l.* 1 *s.* 3 *d.*,
" making an average of 3 *l.* 11 *s.* 11 *d.* to each case;
" and that 38 new boats were built at a cost of
" 501 *l.* 9 *s.* 4 *d.*, making an average per boat of
" 13 *l.* 3 *s.* 11 *d.*, and affording (at the rate of
" three men to each boat) employment and subsist-
" ence to the families of 114 additional fishermen.

" The liberal bounties which were granted by the
" Acts of the 59 Geo. 3, c. 109, and 1 Geo. 4, c. 82,
" having been for a considerable time unavailable
" to a class of persons very generally destitute of
" capital, the Commissioners were induced to
" direct their attention for the last three years to
" the removal of that difficulty, by the institution
" of the loan fund before mentioned; and, what-
" ever may be the variety of opinions on the ex-
" pediency of a bounty system, there appears to
" have been a very general concurrence in the
" approbation of this measure; and it has been
" acknowledged by some of the Board's officers
" who originally doubted its utility, that the
" best effects, both moral and practical, have fol-
" lowed its institution. The advantages of a good
" character, and of peaceable and industrious
" habits, are practically taught by the regulation
" which requires, as a preliminary condition of
" obtaining a loan, satisfactory testimonials of
" those qualifications. Almost the possibility of
" a direct misapplication of the loan is guarded
" against, by giving boats or materials only, and
" not money. There is no interference with pri-
" vate trade, the fisherman being permitted to
" select his own builder, or to take his supply of
" materials wherever he can procure them on the
" best terms; and the strongest inducements to
" punctuality are produced by withholding from
" those who are defaulters, without good cause,
" all the benefits of further aid.

" The Commissioners having been sanctioned in
" continuing the exercise of their functions be-
" yond the 5th of April, upon the responsibility
" of Government, have the opportunity afforded
" them of submitting to the Parliament another
" annual report; and in availing themselves there-
" of, beg to express their earnest hope that the
" Irish fisheries will still continue to receive that
" just and reasonable share of legislative encou-
" ragement which had already established the
" character and prosperity of the British fisheries,
" long before a corresponding encouragement was
" introduced into Ireland; and they feel war-
" ranted in taking this opportunity of expressing
" that hope, from the fullest conviction of the
" importance of the fisheries to this country in all
" their various bearings, whether as a nursery for
" seamen, as a means of affording subsistence to
" a poor and dense population, as a constant
" source of employment for maritime industry, or
" even as a subject for future commercial specu-
" lation.

" The account annexed to this letter will show
" the total amount of the promissory notes which
" have been passed by the fishermen in exchange
" for the materials supplied to them, the repay-
" ments made in discharge of those notes, the
" notes due and not yet due, and the amount of
" money now lying in the Bank of Ireland appli-
" cable to the working of this fund, to which an
" annual augmentation has been hitherto made,
" under the last-mentioned Act, of 500 *l.*, Irish
" currency, which is equal to 461 *l.* 10 *s.* 9 *d.* in
" British money. The Legislature appears by the
" Act of the last Session, as before recited, to con-
" template the continuance of this fund after the
" 5th April 1830, and we are sanguine enough to
" hope that the advantages which it has distri-
" buted have greatly contributed to promote
" industrious and peaceable habits among the
" maritime population of our country."

The sea fisheries of the country are at their lowest ebb, never having had any assistance to resuscitate them from the awful effects of the famine of 1846; and unless some such steps are adopted, I believe they will rapidly decline still further, until at last the traces of fishermen will hardly be left behind, and the whole nation will suffer by a loss of a very important description of food, and a race of men, which, under other treatment, might be made a very valuable addition to the strength of the empire.

The following is a letter I received from a most respectable,

respectable, trustworthy fish-factor in Dublin on this subject:

"The Bill would be first-rate, if loans made "to the owners of fishing-boats, men that sail "them themselves, and bring one or two sons in "the fishing-boats to work them, and teach them "their business. The class of men I allude to "are the men all round the Irish coast who have "smacks from 16 to 30 tons, decked and half-"decked, who would fish along their own coast "with long line at one time of the year, and her-"ring fish at another time of the year, and a small "bit of trawling between the two seasons, to keep "them from being idle.

"A loan given in this way, to repair boats and "buy plant, would do a deal of service; and har-"bours to be opened and cleaned out, all for the "local men in each locality; but I would not "tolerate large sums to be given to gentlemen "speculators to buy a fleet of luggers and smacks, "as they have them working now in Howth, &c., "as that puts the industrious working fishermen "and their families out of the trade, and pau-"perises the rest of the poor fishermen all round "the coast of Ireland. But the query is, will "the Chancellor of the Exchequer make grants "to improve the harbours round the coast of "Ireland; and unless the harbours were made "safe, the loans for boats and nets were useless. "Take only Galway town last winter: often "100 *l.* worth of herrings each day went by me "and others to Galway. There was only a small "winter fish caught off Howth, or say Dublin "Bay, 6½ to 7½ hundred per barrel; and actually "at that very time, if the native men in Galway "had good deep nets, as the luggers use here, "they would get boat-loads of the best and "primest herrings along their own coast, three "times as large, and all fat and prime. Poverty "steps in, and no money with these men on "Galway coast to buy nets or repair their boats, "and they must only starve and look on. The "same case at Sligo, Westport, Rasses, Killy-"begs, Derry; then begin at Bantry, Berehaven, "and so on, till you come to Waterford.

"It would take some clever man to make a "good beginning, one used to the fisheries, and "learned in curing fish on the Scotch plan; but "half measures are no use; that is, provided the "Government really want to help the poor class "of fishers to better themselves; it would take "one year to get matters into ship-shape, and then, "after the second or third year it would not look "like the same coast.

"The men are honest and well-inclined, and "can work as well as any other men, but cannot "reap the advantage as they are too poor.

Curing Stations—Supply.

With regard to the importance of curing stations, and the supply of fish on the coast, I submit a few extracts from the Reports of the Commissioners since 1842; I believe had the curing stations been carried on for a few years by the Commissioners after the famine, instead of being closed in one year, much good would have been the result to the fisheries, and they would eventually have been able to part with them at a large profit, instead of a loss to the State. I have no doubt there is an abundance of fish all round our shores, and that all that is required is to help the present fishermen to an improved class of boats and gear, the outlay for which I feel assured would be honestly and faithfully repaid.

Curing Stations.

Extracts from Report 1847, dated 1848. App. No. 5.

"There is abundant evidence in the detail "of separate transactions to show that pri-"vate traders, acting upon purely commercial "principles, could establish themselves in this "trade without any very considerable amount of "capital on the west coast, and realise a very fair "profit, as on many of these separate transactions "the sales effected by our agents showed a profit "of from 50 to 80 per cent. on the purchase, cure, "and sale of the fish, independent of cost of "establishment: indeed we have good reason to "believe that by carrying out even the policy "adopted by us in these stations, which is the "reverse of what a private trader would practise, "some of them, if continued sufficiently long, so "as fully to test their capabilities, would be at "least self-supporting, if not more than remu-"nerative.

"Our leading object has been to establish a "regular fishing trade, a steady daily market, and "its consequent stimulus to the daily exertion of "the fishermen; and in the remote districts of the "country it is clear that this can only be effec-"tually produced by the curing station, which "affords the certain means of preserving the daily "supply, until it may be required in the markets "of the country.

"Having thus, to a great extent, accomplished "the objects contemplated when recommending "your Lordships to sanction this arrangement, "and having directed public attention to the sub-"ject, and shown the capabilities of these remote "districts to supply fish at very moderate rates "to parties wishing to embark in the curing "business; and having also, by the ready sales "effected at remunerative prices, proved that "there is no want of markets for well-cured fish, "we shall be prepared, in obedience to your "Lordships' instructions, conveyed in Sir Charles "Trevelyan's letter of 25th May, to close the "whole of these stations by the end of this year.

"In the stations on the south-west coast, though "but little return in a pecuniary way has been "obtained, advantages appear in the spur which "has been given to industry, and in the benefits "of example and education necessarily conferred "through the operations of these stations. These "advantages can scarcely be over-rated; and the "Board would look confidently forward to pecu-"niary profits also from these stations, if steadily "maintained for such a period as would encourage "private parties to invest funds in providing "boats and gear, and by these means be enabled "to procure a greater quantity of fish than would "be sufficient for the local demand.

"I found in my communication with Sir "Thomas D. Lauder, and Mr. Miller, that the "Scotch Fishing Board exercise not only an "active superintendence over the curing of the "fish, but also an anxious care over the general "commercial system and interest of the persons "engaged in this branch of commerce.

"The system of applying the crown brand to "the cured fish, which the local inspectors exa-"mine upon requisition, and sanction only when "the quality is unobjectionable, is approved by "most, if not all, of the principal persons engaged "largely in the trade. It is not compulsory, but "for almost all foreign markets; and the English "markets, they avail themselves of it, and it is "recognised in those markets as a guarantee of "good quality.

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"There is but one limit to the extent to which "our shores may be made available for productive "employment for the people. That limit is the "extent of a natural and legitimate demand, not "alone domestic but foreign. For the first facilities of transport into the interior will be required, and can only be expected from concentration of capital; for the second, a decided "improvement in the quality of the cured fish "will be quite indispensable, and can only be "expected from continued instruction and example; "and from the establishment of curing-houses "through the country by companies or by individuals.

"Is there no danger that if we now abandon "any of those plans, an impression will prevail "that the case of the Irish fisheries is hopeless.

"Re-action is more to be feared than exertion "was to have been expected. The general feeling "among the most intelligent persons here is, that "if an addition to the dearth of demand for the "stock on hand at any of the stations be wholly "abandoned, it will produce an unexampled depression.

"We are disposed to consider this under the "mark; but when it is borne in mind that the "great reduction has inevitably taken place in "the distressed districts of the western parts of "the island, the fisheries on the east having been "little, if at all, injuriously affected; the magnitude of the evil in the destruction of so much "industrial occupation, and the necessity for "adequate remedies, will be more apparent.

"Acting on the principles we have adverted to, "with a full knowledge of the history of the "fisheries of this country, and of the threatened "evils which, to those acquainted with the west "of Ireland, appeared as certain results of the "blight of the potato crop, we proposed, for the "sanction of Government, liberal aid in the establishment of piers, harbours, and roads of approach, as a legitimate direct aid to the fisheries, "and the temporary formation of curing stations "as examples for the trader, a pioneering of his "way; and as educational establishments, not "only for the fishermen, but the gentry and "people of the adjacent country. We are happy "to be enabled to report that the results which "have even already, and under the most unfavourable circumstances arisen, confirm us in "the propriety of the policy recommended, and "lead us to hope that amidst the deepest affliction which perhaps ever visited any country, "the foundation has at length been laid for the "establishment of the sea fisheries on something "like a permanent and sound commercial basis.

"A great improvement is observable in the "quality of the cured fish in the market of "Belmullet offered for sale by the fishermen, in "consequence of the instructions they received "at the station, to which they had access at all "times, when the persons employed were at "work.

"But apart from all such details, and many "others, which taken separately we could adduce "to show the profits that might be made if the "matter was undertaken with all the zeal, knowledge, individual energy, and watchfulness, "which private enterprise would bring to the "trade as a commercial speculation; the great "satisfactory result is, that our example has "been followed to an extent we could not have "anticipated. It has been found that in these "remote places fish can be cured in a manner "equal to any produced in any other country; "that the curing house supplies the want of a "local market for surplus produce; and, in "fine, the first step is taken, the trade commenced, and, as it appears to us, the foundation laid for permanent improvement.

"Upon the Mayo coast, in the vicinity of "Blacksod and Broadhaven Bays, the cod and "ling fishery is being prosecuted actively by "persons who have within the last year embarked "in this undertaking, and their operations have "been so far satisfactory. Prime samples of fish "sent from thence have brought the first price in "the Liverpool market, a facility of transit now "being available by steam from Sligo. The "parties foremost in this enterprise are those who "purchased the stores and plant, and succeeded "in the Board's establishment at Belmullet, which "was discontinued in the commencement of the "past year; and their success in producing a "prime article is mainly to be attributed to the "instruction afforded in the modes of cure to the "persons previously working under the Scotch "curer employed by the Board, and who have "been employed by those now engaged, and "their services have been most valuable."

Supply.

Extracts from Report for 1847, dated 1848.

"No branch of the industrial resources of Ireland suffered more severely, in the first instance, "from the famine and distress of the years "1846–1847, than the fisheries, both deep sea "and inland. This anomaly is the more remarkable where, in the natural order of things, a "people curtailed in the supply of the fruits of "the land, might have been expected to avail "themselves of the bountiful supplies of food "which the surrounding sea afforded. Yet it is "a fact that in the autumn of 1846, when the "impending famine was certain, and when deaths "from starvation had already occurred, supplies "of fish, the most abundant which had been "known for years, existed on many parts of the "coast, and that on parts of the southern and "western coasts large quantities of fish were "allowed to rot on the shore, or were spread on "the adjacent fields for manure.

"This extraordinary state of things resulted "partly from a prejudice against the use of fish "as a dietary, without potatoes, partly from the "utter prostration and distress which the want of "food produced (and which compelled the coast "population to part with their boats, tackle, &c., "as well as every other implement of means of "earning a livelihood for food, to maintain their "very existence), but mainly from the fact, that "the fisheries of this country, however valuable "or important, were not fixed on the solid basis "of an established trade, nor were followed or "maintained as a real commercial undertaking "for the profit which they would directly yield.

"The fact of great numbers of persons dying "from want of food (or such profitable employment as would enable them to buy it) along "the shores of a sea abounding in fish, and "which was calculated to afford remunerative "employment in its production, has established "beyond all controversy the necessity for permanently developing and relying upon the "fisheries in this country as a source of industry "and trade, and consequently of food.

"There is reason to expect that the construction of railways in Ireland will impart new life "and vigour to the fisheries, especially those on "the

" the western coast, where, although the choicest " descriptions of fish are found in great abundance, " yet the fishermen are indifferent, if not opposed, " to the adoption of improved modes of capture, " from *want of sufficient and remunerative* markets " for their disposal; and from this cause they are " frequently left dependent (with calamitous re- " sults) upon the precarious herring fishery, and " that with the line and hook; evils which will " probably cease to operate when increased faci- " lities of communication shall have been opened " with the interior of the country, and with Eng- " land and Scotland.

" None requires more encouragement, more " support from the parties locally interested, and " the diffusion of sound practical education in all " ways in which it can be legitimately given.

" If these observations be admitted as generally " applicable, they appear to us peculiarly so with " regard to Ireland, where, on the advent of the " famine, scarcely a curing establishment existed " in the island; and though surrounded with seas " abounding in fish, this country still imported " the great bulk of its cured fish from Scotland, " Newfoundland, and other places.

System of Non-Interference.

I believe the system adopted by the Board with reference to not affording any encouragement or assistance to the fishermen all round the coast has proved to be a very great detriment; that system is explained by the following extracts from the reports of the Board. They say—" By a re- " ference to the Act it will be perceived that the " principle adopted has been one of non-inter- " ference by the Government, to make the pro- " visions as definite as possible, to the effect that " the public in general might have the power of " causing it to be enforced, the intervention of the " Commissioners being only admitted as an autho- " rity for deciding matters that are of a nature " varying according to localities or circumstances, " and that consequently could not be defined in " the Act.

* * * * *

" We most readily adopted that principle, being " fully impressed with the conviction that it was " the only one by which there could be a chance " of the fisheries being established on a basis of " permanent progressive improvement. We can- " not conceal, however, that disappointment has " been created in the minds of many who were " anxious for, or felt an interest in, the promotion " of the Irish Fisheries, that a much more general " direction and management, accompanied by more " detailed regulations, was not undertaken by the " Fishery Board. As an instance of what has " been required of us, may be given an applica- " tion from a body of gentlemen on a part of the " coast, who formed a society for the meritorious " object of preserving order and assisting the " fisheries of the neighbourhood by local encou- " ragement and regulations. The desire of the " society was, that we should send down some " person connected with our office to co-operate, " advise, and assist in their general arrangements. " We declined to comply with their request, be- " cause we considered that gentlemen resident on " the spot would be far better judges of what " would be necessary than any officer of ours " could be; there could be no difficulty in under- " standing the law, which is precise, or, if otherwise, " it is seldom that we or our officers can venture " to interpret it, and such a proceeding would " lead to a degree of Government interference and " responsibility that we neither considered politic " nor in compliance with the purport of the Act."

I cannot help thinking that this system of non-interference has been most unfortunate for the fisheries of the country, and I believe had the application then made been responded to, and a different principle pursued, an incalculable amount of good might have been done, and our fisheries would not now have been in so depressed and languishing a state.

I have said that I believe an independent Board, composed of at least three practical persons, with two inspectors under them, would in my opinion be necessary, and that this Board should have the management of the sea and inland fisheries. I have already stated my reasons for thinking the two fisheries should be placed under one and the same Board, and there must be a clashing of authority if two departments remain for the management of the two fisheries.

I feel sure it would also be more economical than the present system. There at present exists a salmon fishery department, consisting of two commissioners, a secretary, clerk, messenger, &c., and the expense of office rent, all of which, with the addition of another commissioner, could be made available for both branches of the service.

If this department were placed as the present salmon fishery department is, under the Executive Government, there would be no necessity for the employment of law officers or engineers, the only additional staff which the Board of Works have at present for other departments of the public service. In case of any necessity for legal opinion, that of the law adviser could readily be had. In case of the services of engineers being required for the survey of piers or harbours, the present staff of county surveyors could easily be made available at a very moderate cost, much less in most cases than the travelling expenses incurred by the engineers of the Board in going to the different localities; while any works necessary to be done could be easily and most effectually carried out by the contractors under the Board, which I recommend the appointment of, for the government of both branches of the service. As an instance of the economy that can be effected, I may mention that under the Salmon Fishery Commission there have been over 70 weirs surveyed by the orders of the Commissioners, involving the preparation of more than 100 elaborate plans, at a cost to the public of only about 200*l.*, which would be less than the actual travelling expenses incurred by the engineers of the Board of Works for similar services.

In conclusion, I submit the following amendments should be made in the Bill, and that it should then become law.

1st. That the 4th clause should be altered by the words "Three Commissioners and" before the word "Two" in the 27th line.

2nd. That a provision should be added to the 30th clause, "That in case of any loan being made for the planting of oyster beds to any owner of land, he should not have the power to part with, or alienate his interest in the oyster bed from his interest in the land adjoining, unless and until he shall have repaid the full amount of any loan made to him for such purposes, together with any interest due thereon."

Thomas F. Brady.

Appendix, No. 6.

SEA COAST FISHERIES OF IRELAND.

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The following statement was directed to be furnished to the Select Committee with reference to the loans made by the Society for Bettering the Condition of the Poor of Ireland, and being specially directed to the coast fisheries, to show the benefit conferred:—

On the 16th of May 1822, a meeting was held in the Mansion House, Dublin, to institute measures for the relief "of the distressed and starving peasantry of Ireland."

There had been a failure of the potato crop in 1817, and the Government then gave relief for the distress that ensued. There had been another failure in 1821, and the committee formed in 1822 recommended that any potatoes that remained in the country should be reserved for seed, and the people, if possible, should be induced to live on other descriptions of food.

Relief was given by the Committee of Management to various districts in Ireland, chiefly in proportion to the amount of local contributions.

The rules laid down were to avoid, as much as possible, gratuitous distribution, and to relieve the poor by giving them employment or means of earning. The work of the committee ended on the 4th of September 1822. The harvest had been gathered in under favourable circumstances. The sums distributed by the committee amounted to 21,200 *l.* The subscriptions received were 30,672 *l.*, which left a balance in the hands of the committee, with sundry arrears paid in, of 9,864 *l.* 6 *s.* 5 *d.* On the 14th August 1822, the committee had passed resolutions as to the best mode of applying the residue of any money in their hands, and that the balance of the funds should be thus applied; first, to promote and encourage the coast fisheries, both in the taking and curing of fish; secondly, to encourage the spinning of coarse linen and worsted yarn for the manufacture of articles more immediately in demand for the use of the peasantry. The following resolutions were then entered into:—

Resolved, "That the foregoing objects present a beneficial and extensive field of employment, not alone for the numerous class of fishermen, but for the families and children of the peasantry generally, and combines with useful labour a certain and wholesome supply of food for a great proportion of the population."

Resolved, "That for the foregoing purposes the sum of 8,000 *l.*, with whatever additional subscriptions may be received after the 16th of August instant, shall be vested in trustees hereafter named, and lodged in Government stock to the joint names of."

Resolved, "That the following noblemen and gentlemen be appointed trustees of the fund." (Here follow the names.)

As to the first: In affording aid in the construction and repairing of fishing boats; in providing hemp, flax, or twine for the making and repairing of cordage or nets; procuring hooks, lines, and tackle; and to afford facilities and encouragement to the curing of fish for home consumption. As to the second: In affording aid to make or repair wheels, reels, looms, &c.; and also in procuring hemp, flax, and wool, to be distributed where requisite, under such regulations as the trustees may determine on; and to encourage, by bounty or premium, a speedy and extensive manufacture of frieze, linsey woolsey, coarse linen, and other articles required for the use of the peasantry.

Resolved, "That the resolutions be forthwith laid before the London Committee, and that in submitting them to their consideration, as what appears to this committee more likely to consummate, in permanent utility, the splendid munificence extended to the peasantry of Ireland, they be solicited, should this measure meet their approbation, to add such a portion of their surplus fund to that allocated by this committee as they may see fit to grant, and to join to the trustees already named such of their body as they may think right, in order that by their combined exertions the objects proposed may be effectually attained."

The London Relief Committee responded with the most prompt liberality, munificently remitting, on the 13th September 1822, 5,000 *l.* (British) to the trustees for the purposes mentioned in the resolutions. The Dublin Committee ceased to act on the 4th of September, and having handed over 8,000 *l.* to the trustees the money was thus applied by the trustees, viz.: From Committee of Management, 8,000 *l.*; from London Relief Committee, 5,000 *l.* British, 5,395 *l.* Irish; arrears of subscriptions subsequently received, 1,864 *l.* 6 *s.* 5 *d.*; making a total of 15,259 *l.* 6 *s.* 5 *d.* This sum was invested in Government 3½ per Cent. stock, the interest of which is only applicable to disposal in accordance with the resolutions already stated.

Interest and subscriptions, which still continued to be paid in, accumulating, enabled the trustees from time to time to purchase consols to the extent of 9,300 *l.* The latter sum has been applied, both principal and interest, to the objects of the resolutions, and especially to the promotion of the coast fisheries of Ireland. The trustees therefore most carefully and impartially devoted their attention to advance in every way the fisheries of Ireland, and to give every encouragement to industrious fishermen, and also to the encouragement of the manufacture of flax and woollen and other articles more immediately in demand for the use of the peasantry. The chief objects, however, were to improve the coast fisheries, by enabling the fishermen to obtain better class boats, gear, tackling, &c., and by disseminating such information as would tend to improve their condition, and to advance their knowledge as seamen

men and fishermen. Taking the periods that the fisheries have been successfully encouraged, the returns of the trustees show that during the last 12 years sums to the extent of 23,604 *l.* have been advanced in loans, and that the fishermen and their families, and also the families employed in weaving and spinning, which have derived support from those loans, exceed 6,000 individuals, besides taking into consideration the great benefit that has widely resulted through the labours of those individuals. The forms of application, Nos. 1 and 2*, show the modes of application and appropriation.

Sums varying from 10 *l.* to 500 *l.* are granted to such as are well recommended, and on the security of solvent parties. The loans are made free of interest, the principal being repayable by half-yearly instalments, extending over a term of more than three years. The objects for which each application is made are carefully scrutinised by the trustees, and no sum is granted by them until they are fully satisfied as to the advantages of its proper appropriation.

Although numerous instances occur of loans being granted to encourage the industry of the coast peasantry, or those who are only occasionally employed in fishing, being chiefly dependent on land labour, yet the principal objects of the trustees are to encourage a better development of the sea fisheries of the country, and a formation of good fishermen and seamen, by enabling them to obtain a superior class of boats, and by disseminating among them useful information and knowledge. These objects are now more than ever important in the sad state of distress that to a large extent exists on the coasts of Ireland, and important to check that spirit of emigration where the services of such men are so much needed by our mercantile marine.

It has been invidiously stated that the trustees are guided in the manner of making advances, and that only those of certain views receive attention. Now, nine-tenths of the advances made are to poor Roman Catholic fishermen, and in numerous instances recommended by Roman Catholics. I will give one among many—Joseph M'Carthy, fisherman, of Courtmasherry, granted 30 *l.* on the recommendation of the Rev. John Mulcahy, R.C.C., of the parish of Leslee, county of Cork. His securities, Wm. Fitzgerald, fisherman; John Brien, farmer, both of Courtmasherry. Mr. Barry, Inspecting Commissioner of Fisheries, wrote on the 31st of March 1865, to thank me for my prompt attention to poor M'Carthy's case.

In the distribution of these moneys much caution must be exercised, not only through a knowledge of the position of the fishermen of the coasts, but with regard to seasons, habits, and distribution of fish, that it may be seen whether the application is well founded, and that no misappropriation of the money will be likely. As a general rule, with regard to loans advanced, the trustees do not entertain the applications of those who have not been engaged in some branch of the fisheries. Assistance is more especially given to those who, by their own industry, possess boats, and require aid for their fitting out. Guided by such judgment, the trustees have invariably found the fishermen industrious, and honest in the payment of instalments, as well as being thankful for the assistance they had obtained. The value of such loans may be estimated by a few details of results by the benefits conferred. At Dingle, on the coast of Kerry, where existed a fine ling and cod fishery, and where abundance of the most valuable market fish are obtainable throughout the seasons, a state of wretchedness and misery prevailed amongst the fishermen and their families. Although a fine and hardy race, solely dependent on fishing, to which their labour was entirely devoted, they had no means of working in their frequently stormy bay but with cumbersome open boats, and using small spilliards and hand-lines, and with shallow herring nets, suitable only for inshore fishing. In the year 1848 an undertaking was formed principally for the relief of the extreme distress that so sadly prevailed after the famine years of 1846 and 1847, and to carry out in the Bay of Dingle a better development of its fisheries. The trustees made several loans in aid of those objects. Gradually the undertaking became most successful through the examples of seamanship shown to the fishermen, and a better knowledge of their fishing grounds proved. Trawling was introduced with able boats, and, although at first meeting with violent opposition from the Dingle men, they eventually saw the value of the fisheries of their bay by the large quantities of sole, turbot, and other valuable market fish that were captured, and which were to a great extent previously untouched and unknown.

App. No. 6.

See page 320, 321.

Many parts of the bay having foul ground unsuitable for trawling, only a small space where the boats worked was at that time sounded and known. These successes induced, in the winter of 1849-50, a number of Dublin trawl boats to go to Dingle, and these, on the very limited extent of ground at the time worked, caused much confusion and opposition among the fishermen. Then acting for a party engaged in the fisheries there, I was instructed to write to the Board of Public Works. The letter, dated the 28th January 1850, stated:—"I am authorized to make the application that the number of boats using trawls in that locality be limited to a certain number, three or four, for the better preservation of order, as the number of boats then there would be destructive to the fisheries and to the local fishermen." This merely referred to the very limited extent of trawling ground at the time known, and it was stated to be a spawning bank of great importance. Mr. Barry, Inspecting Commissioner, held an inquiry, and he was satisfied that had not the number of boats been so increased, no complaint would have been made by the fishermen against the trawling.—(Inspecting Commissioner's Report given in "Saunders's News-Letter," 19th July 1850.) Mr. Barry has generously stated, with reference to a transaction nearly 17 years ago, that the application was with the desire to obtain a monopoly. Mr. Barry may be told that the only motive was solely for the protection of the poor Dingle fishermen, and that during my exertions to promote the company and the fisheries, I never received nor sought for any expenses I had been subject to.

The parties engaged under the name of the Royal Irish Fisheries Company, continued to work to the year 1852 most successfully, enlarging stores, number of boats, and employing a large body of fishermen, who cheerfully worked in the trawl boats, and which greatly improved them in seamanship and in knowledge of the fisheries. The best systems of the curing of fish were introduced, and these improvements being encouraged from year to year, the fishermen of Dingle assumed a position and a knowledge of seamanship and of fishing equal to any part of the United Kingdom.

App. No. 6.

In 1852 a memorial from a few half fishermen and farmers of Aunascaule, Mr. Barry held a meeting at Dingle, and the result was the passing of a bye-law prohibiting all trawling within two-thirds of the extent of the bay. Since the representations made against trawling in 1850, I was determined to acquire the most thorough knowledge of the habits, seasons, and spawning grounds of the fish of our coast, and therefore each year, winter and summer months, in the boats, both with trawls and dredges, made the most searching examination of all kinds of fish and molluscs both in deep and shallow soundings. In these examinations I explored and sounded the Bay of Kenmare, with the Harbours of Sneem, Ardgroom, and Kilmachalogue; Ballinskelligs Bay, Dingle Bay, in every part; Ventry Harbour, off the Blasket Islands, Smerwick, and every part of Galway Bay, from the boundary line to the Arran Isles. The boats also tested Brandon Bay, Tralee Bay, and the Shannon. These inquiries, carried on several years, have so satisfied me of the absurdity of boundary lines, that I have ever advocated the fullest freedom of trawling, and fully concur with the wisdom of the decision of the Royal Commissioners of removal of all restrictions. These views I have formed were based upon and confirmed by scientific investigation and practical experience.

These experiments so satisfied the Dingle men that repeated appeals were made by them for the repeal of the boundary line (cutting off, as it did, the greatest portion of Dingle Bay), but without effect to their prayers until the year 1862, when Sir Richard Griffith, Chairman of the Board of Public Works, held an inquiry which resulted in the removal of the boundary line. The benefit that this has conferred on the fishermen of Dingle, and through the loans given to them by the trustees, they have now good decked vessels, averaging from 30 to 55 tons, and they have become good seamen and excellent pilots, as shown by the several vessels and crews saved by their exertions, and a great object has been attained—the creating a body of coast volunteers for our Naval Reserve, as, on an average, upwards of 50 able young fishermen every year, from Dingle alone, attend at Queenstown to serve on board Her Majesty's training ship. A vast improvement has also taken place in the social comfort of their families, in their clothing, and their modes of living. As a fuller confirmation of these statements, when it was stated in the public papers that Mr. Blake had obtained a Select Committee to inquire into the coast fisheries of Ireland, the following letter was addressed to me from Dingle, dated 31st May 1867:—

"Sir,

"We observe by the "Irish Times" newspaper, dated the 25th May, that Mr. Blake, Member of Parliament, has succeeded in bringing to notice the Irish deep sea fisheries, and that a Select Committee has been granted for the purpose. We rejoice to perceive that your name appears among the witnesses whose evidence will be sought, and also that of Sir Richard Griffith, the Chairman of the Board of Public Works, and Chief Commissioner of Fisheries. We are not unmindful of the good he did us, and the benefit he conferred on Dingle by his decision with regard to trawling, and breaking down the absurd boundary line in Dingle Bay, through the able part you took in our defence. The fishermen and fisheries of Dingle have been advancing ever since, and we are glad to say that fish of all kinds are as plentiful in the bay as ever, and that our large boats have done well this season, although the weather had been more than usually stormy. We have now here 12 trawlers, averaging from 16 to 55 tons, and employing 48 men, with an average family of four each, making a total of 192 persons solely depending on fishing. We know that you will have justice done to us, and that by your sound advice our fisheries and our fishermen will be improved. The valuable assistance you have given us in obtaining the loans have enabled us to have large and well-found boats, which can keep the sea in bad weather, and we now find that your judgment is correct that the large boats are more beneficial to us. We sincerely trust that you will be enabled to visit us at the end of June, as you purpose doing, and going with our boats to the deep water soundings off the land, where you took us some years since, and with such great success to our trials. Some of the owners of the large boats are now preparing a great extent of long lines and deep buoy lines for that purpose. We all sincerely pray that your efforts may be crowned with success, which we are sure will be, if the opportunity be afforded you.—Signed by the owners of trawl boats, pilots, and fishermen."

A second statement was sent, and signed by the spritboat and canoe men, that fish only with lines and herring nets. At Howth most amazing results have been consequent through the application of the Society's funds. For years previous to 1862, the harbour of Howth, coast of Dublin, had been noted as the best position on the east coast of Ireland for its herring fishery, and large numbers of boats annually came there from Cornwall, Scotland, and the Isle of Man. The Howth boats in that year only numbered four or five, manned by the natives of the place, the boats being ill found, and ill adapted to cope with the superior equipment and skill of those annual visitors. In the year above mentioned (1862), the Society influenced some spirited individuals to embark largely in that line, and by example and by employment of the fishermen, to improve their means and condition, and to secure to themselves the advantages that had for so many years been reaped by strangers. For if strangers coming from remote shores could return home with gain, how much more profitable would it be to those who are in occupation of the locality. The results have been most prosperous. Fine stores have been erected, the making and barking of nets carried on, large and superior class boats built and employed in the fisheries; so that actually in the present year, 1867, there are over 50 sail belonging to Howth, manned by coast fishermen—boats of superior tonnage and comfort for the men, carefully found in all necessary stores, nets, &c. Many of these proceed to the south coast, and carry on a most successful fishery for mackerel during the spring months. The boats so employed are from 20 to 40 tons, and, complete with herring and mackerel nets, are valued at 500 *l.* to 700 *l.* each. The following is an extract of a letter addressed to me with rereference to the Society, and signed by many who have embarked largely in the fisheries at Howth, dated March 1867:—

"The interest you have taken in the fisheries, and the assistance rendered by the Society through your instrumentality, make us all look to you as our chief adviser and friend. Four years ago our Howth fleet consisted of four or five boats; we have now a fleet of 50 sail of vessels of a much superior

superior class, and this is owing in a great degree to your exertions."

These loans of the trustees have given such impetus to the fisheries in that part of the coast that none of the fishermen are unemployed, and many have turned to that source of industry that previously followed other pursuits. To these results may be added the support of many families by the permanent employment given in a variety of branches connected with the fisheries. These statements are equally applicable to Skerries and to Balbriggan, where a large augmentation of boats and employment of men have been consequent. Many other parts of the coasts—eastern, southern, and western—have been assisted, and have derived benefit to a greater or less extent.

Strong views have been urged with regard to the encouragement of half farmers and half fishermen, or, in other words, fishermen that have land to employ them when stormy weather would be against the pursuits of fishing. The trustees do not refuse to aid the industry of such a class; but it has too frequently been found that the loan is more generally applied to the land than to the sea. Their boats are mostly, even at the best fishing seasons, employed in getting seaweed, sand, and other useful adjuncts for their little crops, and are rarely engaged in fishing, excepting when a glut of herrings or other fish may appear in shore. This is largely the case in Galway Bay, where the cutting of seaweed forms a principal employment during the best fishing season of the year. Such fishermen never make seamen, nor even good boatmen, and they are as fishermen equally so, or even more destitute than those who are solely dependent on fishing. There are many objections to that class of fishermen. First, from the reigns of the Charles's to that of the George's, the strongest advocacy has always been put forward to encourage and foster the fisheries of the kingdom as a reserve for the imperial marine. Countless tales are told of the misfortune from the deficiency of that class, and the difficulty of manning our merchant marine has often resulted in sad scenes of losses of ships and lives. Our Newfoundland fisheries have closed, and the neglect and decline of our own fisheries have been clearly shown by the chairman of the committee, Mr. Blake. During a former administration of Lord Derby the British rights to our fisheries were fully vindicated.

2ndly. It is only desirable to encourage fully the fisheries on such parts of the coast where the locality and the fishing grounds are good, and where a good body of seamen and fishermen can be formed, especially as at Dingle, and where the transit of and demand of fish inland afford facilities of sale. At such stations, however, the value of land is far beyond the rate that a fisherman could manage to pay; and it is only the farmer that daily attends can derive profit or support from the produce of his ground.

3rdly. Agricultural labour is annually becoming scarce, that it is much more to the advantage of the labourer to turn his means entirely to the land. In many localities around the coast the land is either wretchedly unproductive, or in some places beyond the value that could be given for the support of a family. The little potato crop that the fisherman may cultivate, and his patch of flax, are at best uncertain, requiring better treatment than he has the means to give; and, should his little crop prosper, he will not seek nor desire exertion on the sea. It has often cheered me to observe the Dingle canoes, at the first gleam of day, pulling merrily out of the harbour, and the trawlers all in motion; and these scenes, excepting in very bad weather, constantly go on throughout each season. The fish of the bay have their peculiar seasons, which each year seldom vary. App. No. 6.

In opening the present Session of Parliament, Her Majesty expressed the difficulty experienced in manning with able seamen Her ships, and that the state of the mercantile marine required serious consideration. At one period between 400 and 500 square-rigged vessels left English ports for the deep-sea fishery of Newfoundland, giving employment to over 12,000 seamen. At the present time not a single sail leaves the United Kingdom for the banks of Newfoundland, while the French and the Americans subsidise their fishermen on our own fishing grounds.

The Chairman expressed the desire that I should give the spawning seasons of the different kinds of fish. That is a subject I could readily enter into with any scientific zoologist, but I fear that it would be of little interest to the Committee. Professor Allman, who has carried out a series of experiments with regard to the deposit of and vitality of the ova, confirms many observations that I made. Some of his views are given in the Report of the Commissioners of Fisheries (Ireland), for the year 1862, at pages 6 and 7.

It has always been a matter incomprehensible, upon what principles these bye-laws of boundaries and seasons were imposed, shutting out 12 to 25 fathoms of deep water in a bay against trawling, and in allowing small trawlers in the shoal water of Waterford Harbour. The Wexford coast has the exclusive right to warn off trawlers, while seasons regulate others. Glandore Harbour is closed from the 1st day of May to the 1st day of October, and Belfast Lough enjoys a winter repose, being closed from January to April, at the very season, and in Lent, when good market fish are most in demand.

All restrictions should be set aside, for no advantage has been derived from them in any part of the coasts of Ireland.

William Andrews,
Trustee for Bettering the Condition of the Poor of Ireland.

Dublin, 1 July 1867.

App. No. 6.

FORM, No. 1.

Trustees for Bettering the Condition of the Poor of Ireland.

COAST FISHERIES.

WE, the undersigned, inhabitants of the parish of barony of and county of have been engaged in the fishing business for years, and have embarked capital for said purpose to the amount of pounds sterling. The operations of our Fishing Association extend from to and embrace the harbours of and the number of families deriving immediate benefit from our labours are consisting of individuals.

Being in need of some assistance at this time, to enable us more efficiently to prosecute our fishing employments, we respectfully entreat a loan of pounds sterling from the Trustees for Bettering the Condition of the Poor of Ireland. We solemnly and sincerely declare that the sum hereby sought as a loan, or such portion of it as the Trustees shall see fit to grant, together with pounds sterling in our hands, in cash, for that purpose, shall be applied solely for the construction or repairing of fishing boats, or providing hemp, flax, or twine for the making of cordage or nets, the procuring hooks, lines, tackle, and other implements used in fishing, or for the curing of fish for home consumption.

We propose as our securities of in the parish of barony of and county of being by trade or profession and of in the parish of barony of and county of being by trade or profession and we certify that the persons so named as our securities are not to derive any personal benefit or consideration from the working of this Association, or by becoming securities for the undersigned.

We refer the Trustees for the character of all the parties concerned in this application, and for their solvency, as well as that of securities named, to of in the parish of barony of county of and post town .

We are willing to enter into a bond, under such conditions as the Trustees may determine on, for the repayment of the loan for which we now apply, and we engage to return a faithful and detailed account of our expenditure—of the quantity of fish taken; and to afford such other information as the Trustees may from time to time think it requisite to call for.

We depute of post town of as the person to whom communications for us may be addressed.

Names of Applicants.	Residence and Occupation.
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

We, the undersigned, agree to join the persons above-named in such bond as the Trustees for Bettering the Condition of the Poor of Ireland may determine on, and we do solemnly and sincerely declare that we are not to derive any benefit or consideration by becoming securities for the money hereby sought, and we conscientiously believe the statements in the foregoing application to be strictly true.

Names of Securities.	Residence.	Occupation.

I have known for years the several persons named in the foregoing application, with the exception of Nos. They are persons whom I conscientiously believe to be sober, respectable, honest, and industrious, and sufficient security for pounds sterling, being the amount of their present application.

I am

App. No. ____

I am also acquainted with the persons named by the applicants as their securities; they are sober, respectable, honest, and industrious persons, and fully sufficient security for the loan thereby sought.
I conscientiously believe the statements in the foregoing application to be strictly true.

(signed)

Dated the day of 18 .

FORM, No. 2.

Trustees for Bettering the Condition of the Poor of Ireland.

WE find that opportunities present themselves for aiding parties engaged in the "manufacture of frieze, linsey woolsey, coarse linen, and other articles required for the use of the peasantry;" we therefore apply for assistance from the Trustees for Bettering the Condition of the Poor, to the extent of pounds sterling, to enable us to grant loans for making or repairing wheels, reels, looms, &c., also for procuring hemp, flax, or wool.

We undertake that the amount applied for, or such portion of the same as the Trustees shall see fit to grant, shall be lent only for the objects above specified. We agree to repay the amount of this loan by such instalments as the Trustees may determine on, and to furnish an account made up to the 31st December in each year, of the progress of our work.

We propose as Securities for this Loan—

1. _____ of _____
2. _____ of _____
3. _____ of _____
4. _____ of _____

(signed) _____

Residence _____

Post Town _____

Dated this of 18 .

Appendix, No. 7.

PAPERS furnished by the Secretary to the Board of Works, Ireland.

App. No. 7.

REGULATIONS.—FRENCH FISHERIES.

THE effect of the decree of 10th May 1862, was to free the fishermen of the country from every useless trammel, and leave them a liberty of action, by which they have profited, to increase their operations by increasing the number and size of their boats.

The want of ports and places of shelter is the cause in many ways why the coast fishery is not developed to its fullest extent, and the efforts of the Marine Department are directed to the relief of the fishing interest.

250,000 *l.* per annum.

For this object the sum voted in the Budget under the head of "Oyster Culture and Encouragement to Fishing," is applied as follows:—

I. The payment of indemnities for the purpose of allowing fishermen to carry out, themselves, works of embankment, with a view to the erection of small ports or places of refuge for their boats.

II. The purchase of model boats, fitted with improved apparatus, which the Government places at the disposal of fishermen, with the view of leading them to increase their operation, by showing them the advantage of the employment of improved apparatus.

III. Works of cleansing of the oyster beds with a view to their replenishment.

IV. Grants to fishermen who have sustained loss of fishing implements, on condition of their refitting themselves with such implements.

V. The purchase of cotton and hemp nets, given gratuitously to the most energetic and intelligent fishermen.

VI. Grants to fishermen associated for the preservation of the beds, to repay them for their trouble.

VII. Payments of expenses of experiments on subjects connected with fishery.

VIII. Payment of rewards, given by Committees of International Exposition, of fishing apparatus.

IX. The establishment of "cantonnements," or preserves of oysters, intended to furnish a supply for the neighbouring beds.

The Marine Department favours the establishment of oyster establishments, some for improving the fish and hastening its growth; others for securing the spat either on stone or tile receptacles.

Lastly, in some parks, both the increase of production and the forming of oyster beds are studied.

The Government's intention is to "cantonner," *i.e.*, to forbid fishing, especially with drag-nets on certain beds, which have been proved to be the favourite spots for the production of oysters.

These spots are generally situated at the mouth of rivers; and it is hoped, by this means, that it will be possible to allow a greater liberty to fishermen in other places; and to concentrate at these stations the superintendence which now extends over so large a space that it cannot be considered effective.

To the preceding details I think I ought to add the following, which will enable Mr. Hornsby to understand the manner in which attempts are being made in France to develope the coast fishery.

First of all, it is necessary to explain that the maritime population is very much attached to its ancient customs, and that it is very difficult to change practices, which very often are entirely wrong, and are supported by false experience.

Although serious efforts are being continually made to overcome the objections of the fishermen, very little progress has been made as yet. But we must not judge of the value of the means which have been employed by the results which have followed, because the want of success is certainly due to the obstinacy of the fishermen in following the old routine.

The coast fishery comprises two distinct trades: oyster fishery and deep sea fishery. Almost all the oyster beds, which have been too closely fished, have been ruined.

Even the most severe rules have been powerless to prevent this state of things. There is only one experiment which has proved effective, viz., to unite fishermen in associations, and to make them take an interest themselves in the superintendence of the oyster beds.

The

The steps which have been taken in order to induce the fishermen to form these associations are as follows. In order to be plainer, I will take, as an example, that of the Bay of Bourgneuf, situated at the mouth of the Loire.

This bay used to contain important layers of oysters; but incessant fishing had almost entirely cleared it.

Two portions of the oyster beds, each extending about three hectares, and not far from the shore, have been set apart as "cantonnements." At these spots every kind of fishing has been forbidden. Two small houses built on the shore, opposite these two "cantonnements," are used as habitations for the persons employed in superintendence. The extremities of the "cantonnements," or preserves, are marked by buoys, on which are painted the words "Préserve Imperiale."

The guards are paid by the Admiralty out of the funds for the encouragement of fishing, mentioned above. They each receive a salary of 700 francs per annum, besides their retired allowance. The guard-houses have been erected at the expense of the same funds.

After a very short time the preserves chosen in the best parts of the oyster beds are covered with oysters. The amount of shell-fish on these preserves is also increased by artificial production and nurture.

There are, therefore, resources, frequently by no means inconsiderable ones, both at Latrilan and in the Bay of Arcachon, by which money may be raised and placed at the disposal of the association.

In the Bay of Bourgneuf, which we have chosen as an example, the association has been established for two years. The fishermen contribute every month the small sum of 50 centimes to the funds of the society, which is also replenished by the sale of the oysters forming the surplus of the preserve.

At one of these preserves, that of Groix, the sum of 2,000 francs has lately been realised by the sale of oysters. The funds of the society are credited with 3,000 or 4,000 francs; a very small sum, but this is only a commencement.

Out of this amount are paid the fishermen who are charged with the superintendence of the oyster beds. This superintendence is exercised night and day by two boats, which are always cruising about the bay. In consequence of these precautions, the funds are gradually increasing.

There are associations of this kind at Avray, Baden, La Trinité, Le Bono, Mesquer, Pencoff, Granville, Cancale, &c. &c. It is often very difficult to get the fishermen to join; but it is absolutely necessary to establish "cantonnements," or preserves, for fear the whole fishery should come to an end. One of these is now being organised at the harbour of Brest, where it has been decided to erect five guard-houses, and to mark out five "cantonnements:" each of the houses costs from 4,000 to 5,000 francs, including purchase of site.

Grants of oyster parks have been made to persons making application; but these oyster fishery establishments cannot prosper if the oyster beds cease to be productive. It is therefore essential first of all to give attention to the sources of production; *i. e.*, oyster beds always covered by the sea.

It has been proved that by proper care the production of oysters may be considerably increased, and the amount gathered indefinitely multiplied; but it is necessary that the work should be undertaken simultaneously on a large sea-board; otherwise this labour would be entirely without result.

Now, since the current is the principal agent in the multiplication of oysters, all the spat which is dropped on an oyster-bed is very likely to be lost if the bottom is muddy or in bad order.

Respecting deep-sea fishery, the opinion in France is generally liberal. Very laborious experiments have been undertaken, the result of which is now before the public, and which seem to show that, while considerable liberty is left to the fishermen, it is advantageous to forbid, during three or four months in the year, the use of drag-nets at the mouth of rivers, and in certain confined spots in the sea. This single restriction is much less inconvenient than that of regulating the size of the meshes and the use of the different nets. The "cantonnements" for fish will be very few. Everywhere, except at these stations, fishermen will be able to exercise their craft at their discretion. They will even be allowed to fish at the stations during the fence months, on condition of using lines or fixed nets.

CURING STATIONS.

Memoranda.

The establishment of fish-curing stations was recommended by the Board to the Treasury, and sanctioned in 1846. The object of the proposition was two-fold; 1st. To afford useful and productive employment at a time of general distress. 2nd. To provide good practical schools for the instruction of the population along the coast in the best methods of curing fish.

App. No. 7.

A sum of 5,000*l.* was placed at the Board's disposal for the purpose by the Reproductive Loan Fund Society, and with it stations were established at

1. Killybegs, county Donegal;	opened	January	1847,	closed	February	1849.
2. Innishcoe, ditto	„	September	1847,	„	June	1848.
3. Belmullet, county Mayo;	„	January	1847,	„	January	1849.
4. Roundstone, county Galway;	„	January	1847,	„	May	1848.
5. Valentia, county Kerry;	„	May	1847,	„	February	1849.
6. Castletown, Berehaven, Cork;	„	May	1847,	„	November	1848.
7. Baltimore, ditto	„	March	1847,	„	May	1848.

The first of the above-mentioned objects was completely accomplished, and a sum of about 900*l.* out of the 5,000*l.* was refunded. With respect to the second object, the stations were not so successful, as some of them, as Roundstone and Baltimore, were closed after the first year, "owing to the apathy or inability of the inhabitants" to avail themselves of them.

That their failure was in no respect due to the scarcity of fish in the localities where they were established is evident from the following facts:—

1. The quantity of fish bought *for* the seven stations above mentioned, cured in them, and afterwards disposed of, amounted, in the 2½ years from 1st January 1847 to 1st June 1849, to, in number, 425,874, and in the cure of which about 800 tons of salt were consumed.

2. The number of boats and men employed at the various stations in 1864 were as follows:

	Boats.	Men and Boys.
1. Killybegs } The whole coast of Donegal 2. Innishcoe }	908	5,008
3. Belmullet	182	617
4. Roundstone	175	272
5. Valentia (Knightstown)	226	1,157
6. Castletown	505	315
7. Baltimore (Skibbereen)	861	4,314

HOWTH HARBOUR.

Memoranda.

The above harbour was transferred from the Woods and Forests to the Board of Works in 1837, the working establishment broken up, and no further operations carried on.

Act 26 & 27 Vict. c. 72 (1863), allocated 5,000*l.* for improvements.

The following table shows the condition of the Harbour, with reference to the silting up, at the several dates mentioned, the depths being reduced to low water ordinary springs.

	a. 1823.	*b.* 1863.	*c.* 1867.
Depth across entrance, between pier heads	10 to 12 feet	3 to 7¼ feet	8 feet.
Ditto inside West Pier, opposite Custom-house, &c.	9 to 12 feet	¾ to 6¾ feet	7 feet.

Columns *a*, *b*, give an idea of the rate of silting, as the bar across the entrance, for example, increased by five to seven feet in the 40 years from 1823 to 1863.

Column *c* shows the depths proposed to be effected under 26 & 27 Vict. c. 72, and now existing.

The silt here is a very fine sand, which is drifted about by strong currents, both in flood and ebb tides, and seems to be incurable by any other process than periodical removal by mechanical means.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON THE

SEA COAST FISHERIES (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1867.

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that there should be universal freedom around the coast in regard to trawling, without any power in a Central Board to make bye-laws, 4337–4339. 4343. 4391. 4416–4419. 4451–4453. 4482, 4483.

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Bear Island. Approval of the line fishermen at Bear Island being protected against the destruction of their lines by trawlers, *Sir J. Dombrain* 1171-1184——Very good line fishing at Bear Haven, *Good* 2292.

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Belfast Lough. Application made to the Board of Works, both by the long line fishermen and the trawl men, for the removal of restrictions in Belfast Lough and Lough Swilly; reason for postponing action in the matter, *Barry* 4294-4297. 4420-4422. 4430-4433.

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Bill of 1838. Adoption in a Bill brought forward in 1838 of nearly all the principles laid down by the Commission of 1836, including a system of loans; particulars as to the progress and ultimate failure of this Bill, *Barry* 3273-3286——Paper handed in (*App.* 270, 271) containing a summary of the provisions of the Bill of 1838, *ib.* 3309.

Black Sod Bay. Capacities of Black Sod Bay in regard to oyster cultivation; extent of culture at present, *Savage* 2995, 2996. 3045-3052. 3158-3161. 3211-3216.

Blind Harbour. Great increase of employment and great development of the fisheries in the neighbourhood of Blind Harbour through the operations of witness, *Savage* 2909-2919. 3023-3033. 3134-3141——Check to witness's operations through his inability to obtain leases of the land required for the fishing stations, *ib.* 2924-2929. 3134-3141. 3190-3197——Use exclusively of long lines and nets, there being no trawling, *ib.* 2934. 2993, 2994——Purchase by witness of the fish taken, whilst he also advanced loans to the men, and provided curing stations, cottages, &c., *ib.* 3023-3033. 3134-3136. 3153, 3154——Instance last winter when there was a great distress, of the men at Blind Harbour having been induced by witness's son to fish in very bad weather, when a large quantity of fish was taken, *ib.* 3035-3037. 3098-3100. 3125-3133.

Statement relative to some applications by witness to the Board of Works for the construction of landing-places or slips; grant eventually made in one instance through the instrumentality of Mr. Brady, witness paying one-third of the cost, *Savage* 2958-2970. 2974. 2997-3009. 3060-3062. 3147-3150. 3210——Lapse of twelve years between the first application of witness for a slip near Blind Harbour, and the completion of the work, *ib.* 2962, 2963. 3147-3150——The actual construction occupied about three months, and was properly carried out, *ib.* 3058, 3059. 3150.

Further explanation by Mr. Savage relative to the time occupied in the construction of the slip at Blind Harbour, *Ev.* 124.

Board of Works (Ireland):

1. *Generally as to the Constitution and Functions of the Board.*
2. *Evidence in favour of a Transfer of the Sea Fisheries from the Board, and of Placing the Sea and Inland Fisheries under the same Department.*
3. *Evidence opposed to the foregoing Proposition.*
4. *Conclusions of the Committee in favour of a separate Board for the Management of both the Coast and Inland Fisheries.*

1. *Generally as to the Constitution and Functions of the Board:*

Administration of the deep sea fisheries in Ireland by the Board of Works since the passing of the Act 1 & 2 Will. 4, c. 33, the fisheries having been previously under the Commissioners of Inland Navigation, *Hornsby* 3-6——Appointment of the Commissioners of Fisheries under the Act 5 & 6 Vict. c. 106, *ib.* 3. 7——Meeting of the Board for fishery business whenever occasion requires, *ib.* 25——Numerous and important functions

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1. *Generally as to the Constitution and Functions of the Board*—continued.

functions discharged by the Board, irrespectively of the administration of the fisheries; opinion that sufficient time is nevertheless devoted to the latter duty, *Hornsby* 26-33. 158, 159——There are practically but two Commissioners at the Board, besides the Inspecting Commissioner for fisheries, *ib.* 30-32.

Explanation that the Board is under the control of the Lord Lieutenant and Privy Council, and is not amenable to the Chief Secretary or to the Treasury, *Hornsby* 105-110——Statement that the whole department of the Board of Works may be used for fishery business, Mr Barry having practically the management, *ib.* 150, 151——Similar powers of the Inspecting Commissioner to those of the other Commissioners, so far as relates to fishery business, *ib.* 193, 194.

Witness has been chairman of the Board of Works in Ireland for the last three years; was previously one of the Commissioners for eight years, *M'Kerlie* 289-293——Multifarious duties of witness and his colleague, no complaint being however made by them as to being over-worked; relief if there were a third Commissioner, *ib.* 343-349. 483-487——Annual report by the Board of Works to the Lord Lieutenant, *ib.* 517-519.

Numerous duties of the Board of Works further adverted to; question hereon whether the fisheries should not be placed under a special head practically conversant with the habits and natural history of fish, *M'Kerlie* 623-633——Probable advantage of a separate Fishery Board for Ireland if it had proper funds at its disposal, *ib.* 757——Obstacle to the reports of the Board being furnished at the commencement of each Session, *ib.* 810, 811.

Undue amount of work imposed upon Colonel M'Kerlie and Mr. Le Fanu, so that another Commissioner is much required, *Barry* 3405-3408——Approval of the present system of the Commissioners reporting to Parliament indirectly, through the Lord Lieutenant, *Stewart* 4762-4764.

2. *Evidence in favour of a Transfer of the Sea Fisheries from the Board, and of placing the Sea and Inland Fisheries under the same Department:*

Onerous duties now devolving on the Board of Works, so that it would be well to remove the fisheries from them altogether and place them under a distinct department, *Sir J. Dombrain* 921-924——Improvement if the administration of the fisheries were under a seperate Board, *Andrews* 1386, 1387——The Board of Works should be relieved of the charge of the fisheries altogether, *Brabazon* 2140.

Concurrence of opinion as to the advantage in transferring the sea fisheries from the Board of Works, and placing them under the same Board as the Inland Fisheries, *Sir J. Dombrain* 1072; *Brabazon* 2128, 2129; *Brady* 5300-5303. 5398-5420; and *App.* 315.

Absurdity involved in placing the sea fisheries under the Board of Works, *Brady* 5399-5405——Onerous duties of the Commissioners irrespectively of the fisheries, *ib.* 5409-5411.

Expediency of a small Board of paid Commissioners for administering the Irish fisheries, with power to make bye-laws suitable for the different localities, *Hon. B. F. Primrose* 5699-5703. 5740-5745.

3. *Evidence opposed to the foregoing Proposition:*

Exceptions taken to the proposed transfer of the sea fisheries from the Board of Works, with a view to their being administered in common with the inland fisheries by a combined Board, *Barry* 3409, 3410. 3805-3808; *Stewart* 4703-4708. 4746-4750——Conclusion as to the advantage of increasing the staff available for the coast fisheries, rather than of taking the administration away from the Board of Works, and placing it under a distinct department, *Barry* 3411-3417.

Examination in further support of the view that an independent Board is not desirable for the fisheries, but rather an increase of staff under the existing Board, together with an additional Commissioner, *Barry* 3700-3713. 3797-3811. 3965-3967——Expediency of improving the present department for the fisheries rather than of constructing a new one, *ib.* 3996, 3997.

Witness considers that there is no necessity at all for the Bill before the Committee, or for the new system of administration of the fisheries proposed by the Bill, *Stewart* 4649-4659——Disadvantage in transferring the administration of the fisheries from the present experienced Commissioners to a new and separate Board, whilst the increase of expense thereby would be considerable, *ib.* 4651. 4654-4658. 4707. 4749——Further statement in disapproval of the appointment of the new Commissioners for the coast fisheries; adequacy of the present Board for the purpose, if there were two or three inspectors, *ib.* 4685-4697. 4790-4792.

4. *Conclusions*

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4. *Conclusions of the Committee in favour of a separate Board for the Management of both the Coast and Inland Fisheries:*

Reference to the variety and importance of the numerous functions which the Board have at present to discharge, *Rep.* vii——Grounds for strongly recommending an amalgamation of the sea coast and inland fisheries under one Board, *ib.*——The amalgamated Board should consist of three Commissioners, one of them to be an engineer of not less than seven years' standing; necessity also of a sufficient number of inspectors and other officers, *ib.*

Important advantages anticipated from the constitution of a competent Board for the management of both the sea coast and inland fisheries, and possessed of adequate powers, *Rep.* vii.

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Boats and Gear:

1. *Diminution and Deterioration since the time of the Famine.*
2. *Great Want of proper Boats and Gear as a Means of Increased Employment.*
3. *Character and Cost of the Boats now in use; Importance of Large Vessels.*

1. *Diminution and Deterioration since the time of the Famine:*

Evidence as to the great deterioration and diminution in the boats and gear since the time of the famine, *Hornsby* 84–88; *Sir J. Dombrain* 846–849. 856–859——More numerous small boats employed in the fisheries in 1846 than at the present time, though on the whole the fisheries were not then more productive, *Andrews* 1271. 1286–1289. 1388–1393——Want of proper boats and gear adverted to; the result being that numbers of the coast population have been obliged to give up fishing pursuits, *Brabazon* 1888–1890.

Effect not only of the famine, but of the failure of crops in the year 1860–62, in depriving the people of the means and appliances necessary for fishing pursuits, *Barry* 3727-3734——Depressed condition of the Irish fishermen ever since witness has known them, this being owing probably more to want of proper boats and gear than anything else, *Hoskyn* 5125–5136. 5167–5181.

Employment of 19,883 vessels and boats in 1846, whilst in 1866 the number was only 9,444, *Rep.* iv——Large number of men who, owing to the pressure of want consequent on the famine, were unable to keep their boats and gear in repair, or to replace them when lost, *ib.*

2. *Great Want of proper Boats and Gear as a Means of Increased Employment:*

Increased employment in the fisheries if the people had opportunity of obtaining the proper appliances, *Sir J. Dombrain* 860——Opinion that tackle and fishing gear are more wanting than boats, *ib.* 1105——Obstacle to fishing some banks out at sea on account of the want of large boats, *Brabazon* 1924, 1925. 1997–1999——Large number of people along the coast who would follow fishing pursuits, but for their inability to provide proper boats and gear, *Good* 2301–2303.

Increased employment at the fisheries on the west coast if proper boats and gear were available, *Barry* 3327——Want of boats and gear to which the present depression at Clifden, &c. is owing so that loans to the fishermen would have a most beneficial effect, *Hart* 4159-4167. 4186-4194——Want of an improved class of boat on different parts of the coast, *Hoskyn* 5217–5221. 5225–5232. 5236——Much larger capture if proper boats were available, *Brady* 5604–5611.

Necessity of larger and better equipped boats in order properly to develop the fisheries, *Rep.* v——Depression consequent on the want of proper boats and gear, *ib.*

3. *Character and Cost of the Boats now in use; Importance of Large Vessels:*

Improved class of boats built for the herring fishery at Howth and other places, *M'Kerlie* 525-528——Importance of the employment of large boats in lieu of the small ones formerly used, *Andrews* 1304——Capital of 1,000 *l.* and upwards represented by each large trawling vessel, *ib.* 1553–1555——Contemplated employment of large boats on certain parts of the west coast, *ib.* 1705, 1706.

Room for a considerable number of large vessels in the deep-sea fishery, so that though the small boats might fall off, there would be no diminution of employment, *Andrews* 1707–1717——Want of boats of about 50 tons for fishing for cod, haddock, and ling with hand-lines and long lines in water of from 60 to 80 fathoms, *ib.* 1768–1772——Improved class of boats employed by the fishermen of France, Holland, &c., *Brabazon* 2068–2072.

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Boats and Gear—continued.

3. *Character and Cost of the Boats now in use; &c.*—continued.

Size of witness's vessels; the tonnage is about twice as large as it was 20 years ago, *Good* 2209, 2210. 2234, 2235——Average of about 10*l.* per ton as the cost of a trawler, the sails and ropes costing about 2*l.* or 2*l.* 5*s.* a ton, *ib.* 2213–2217——Much larger boats now employed in trawling than formerly; possession of three such boats by witness, *Stephens* 2548–2553——Great expense of fitting out herring boats, *Barry* 4119–4122——Estimate of about 10*l.* per ton as the cost of fishing boats, the gear and nets costing from 100*l.* to 200*l.*, *ib.* 4593–4597.

See also *Capital. East Coast. Famine. Loans.*

Bofin Island. Immense take of fish at Innisbofin Island off the Mayo coast about six years ago, *Sir J. Dombrain* 949–952. 1049–1052——Approval of public aid in support of private enterprise for forming a fishing establishment on the Island of Bofin on the west coast, *Barry* 3590, 3591——Good fishing grounds off Bofin Island and Clifden, *ib.* 4550, 4551.

Bounties. Effect of the withdrawal of bounties in causing long-line fishermen to adopt the system of trawling, *Brabazon* 1783—— Large fishery formerly at the Ennis Kea Bank and other places before the bounties on certain round fish were withdrawn, *ib.* 1993–1997.

Beneficial operation of the bounties and loans under the Act 59 Geo. 3, *Barry* 3235–3242——Justification of the bounties on account of the very depressed state of the fisheries at the time, *ib.* 3240–3242——Decline in the fisheries immediately upon the withdrawal of the aid given under the Act 59 Geo. 3, *ib.* 3258–3260——Particulars of the expenditure in the shape of bounties and loans during the twelve years ending in 1830, *ib.* 4015–4022——Three different kinds of bounty in operation, *ib.* 4022.

Extracts from reports of the former Commissioners of Fisheries, showing the beneficial operation of the system of bounties, *Ev.* 168–170.

Extract from report from the Irish Fishery Board to the Treasury in March 1824, objecting to a sudden withdrawal of the bounties, *Ev.* 171.

Great blow to the fisheries by the withdrawal of the bounties and loans in 1830, *Brady* 5310. 5443–5445. 5539–5541. 5650–5654——Disapproval of bounties as compared with loans, *ib.* 5539–5541. 5617–5620.

Brabazon, Captain Wallop. (Analysis of his Evidence.)—Has devoted considerable attention to the subject of the sea-coast fisheries of Ireland, 1780, 1781——Conclusion that on the eastern coast the gradual decrease in the supply of fish is owing to the grounds having been over-trawled, 1782–1793——Great extent of ground over which the trawlers work, 1791——Belief that the fish were formerly caught in large numbers on feeding-beds, which have been rooted up by the trawls, 1792.

Effect of trawling in disturbing and destroying the spawn and spat, as well as the animalculæ or food of the fish; examination hereon as to witness's data for concluding that fish spawn upon sand over which the trawlers work, 1792. 1813–1858——Decrease in the number of trawlers on the eastern coast, and in the quantity of fish caught; exception as regards herrings, 1793–1802——Limited interference of the trawlers with the herring fisheries, 1800–1808——Approval of the ten-fathom line as the limit within which trawling should be prohibited, 1809–1812.

Belief as to the satisfactory state of the fishery in Dundalk Bay, where trawling has for some time been prohibited, 1859–1867. 2081——Feeling of the hook-line fishermen at Dundalk, that if there were no restriction upon trawling in the bay they must go to the workhouse; non-objection by them if there were but two trawlers, 1865–1871. 1946, 1947——Opinion as to the line fishing in Dublin Bay having improved since the prohibition upon trawling, 1872–1875——Very bad state of the Galway fisheries at the time of the restriction upon trawling, 1876–1879.

Statement that the prohibition of trawling in Dingle Bay was removed irrespectively of the desire of the line fishermen, 1880, 1881——Circumstance of the Claddagh men not having attended the inquiry at Galway upon the question of trawling, 1881——Doubt as to fish coming into the bays and harbours during storms, 1883–1885——Probability of some fish escaping capture in bays through the prohibition upon the larger trawlers coming in, 1886, 1887.

Want of proper boats and gear adverted to; the result being that numbers of the coast population have been obliged to give up fishing pursuits, 1888–1890——Immense good to be done by a system of loans, 1890. 1948–1954——Great capabilities in Ireland for the cultivation of oysters, 1891–1893——Important advantage of a Crown brand for herrings, 1894——Benefits anticipated from the establishment of curing-houses by Government; they would pay their expenses, 1895–1897. 1959–1962. 2101.

Large fishing grounds off the north-western coast where a system of loans would be very beneficial, 1900–1902——Great waste by the immense quantity of spawn or roe taken

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taken out of cod fish when spent, 1906. 1990. 2025, 2026——Further evidence in support of the conclusion that fish deposit their spawn in the sand, and that such spawn is destroyed in large quantities by the trawling nets, 1907-1925. 1935-1941——Obstacle to fishing some banks out at sea on account of the want of large boats, 1924, 1925. 1997-1999.

Inference as to the increase of fish in those places where trawling has been prohibited, 1926-1929——Instance of trawling in very shallow water in order to get bait for long-line fishing, 1930——Reference to forty or forty-five fathoms as the extreme depth to which trawling could satisfactorily be carried, 1931-1934——Usefulness of a society in Dublin which makes loans to fishermen; difficulty on the score of security, 1949-1951. 2057-2060——Check through the coast guard in regard to the security for Government loans, 1952. 2060.

Expediency of extending branding to Ireland, rather than of abolishing it in Scotland, 1955, 1956. 2097-2099——Excellent facilities at Howth, so that it is the great depôt of the herring fishery, 1957-1966. 1975——Advantage of a jetty or landing pier through the middle of Howth harbour, 1967, 1968——Undue outlay required in order to make the Skerries a good fishing harbour and station, 1969-1971——Several places along the coast where a small outlay would place the piers and harbours in good condition, 1972, 1973——Means of repaying the money expended on piers and harbours, 1973, 1974.

Contemplated combination of farming pursuits and fishing operations, it being impracticable to fish throughout the year, 1976-1979. 2000, 2001——Very good fishing in Clew Bay; obstacle to trawling there, 1980-1984——Inadequacy of a close season as a protection against the ill effects of trawling, 1985, 1986——Great injury to the fisheries through the immense destruction of small or immature fish taken in the trawling nets, 1985-1990. 2073-2075——Large fisheries formerly at the Ennis Kea bank and other places, before the bounties on certain round fish were withdrawn, 1993-1997.

Suggestions for the employment of a larger and improved description of boats on the west coast, to be fitted out by companies or individuals on the east coast, 2001-2008. 2100-2106——Difficulty on the western coast on account of the want of harbours for large boats provided locally, 2008. 2013-2015——Means to be provided on board the boats for curing the fish, 2009-2012. 2043——Further statement that witness is not opposed to trawling, except within the ten-fathom line, or in spawning bays and shoal grounds, 2016-2022. 2107. 2110-2120——Good trawling ground over the whole of the Irish Sea, 2021.

Approval of the present rules of the Board of Works on the subject of trawling on the east coast, 2023. 2183——Instances at Howth, Kingstown, and Galway of large destruction of lines through the trawlers going over them, 2023. 2121. 2183, 2184——Good supply of fish formerly in Dundrum Bay where trawling is prohibited, 2023, 2024——Expediency of a close season for the protection of cod fish, 2025-2027——Conclusion as to the great falling off in the supply of haddock, 2028, 2029——Improvement of the feeding grounds if not disturbed by trawls, 2030——Large fishery going on in Dublin Bay, the feeding ground there being protected, 2031-2033——Disapproval of restrictions upon shooting herring nets in the day time, 2035-2038.

Expediency of a fishing police, the coast-guard men being the proper persons for the purpose, 2039, 2040——Fitness of Sligo Bay as a fishing station for large boats, 2041-2044. 2100, 2101——Question whether companies or individuals could best provide the large boats required on the west coast, 2044——Probability of loans being no longer required after the boats and gear were once put in proper order, 2049-2052——Approval of voluntary agreements between the owners and the crews; advantage in the latter having some share or interest in the take of fish, 2053-2056. 2168-2182.

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Dingle Bay. Statement in report for 1866 as to the improved condition of the boats, and of the fisheries at Dingle, *M'Kerlie* 374 — Belief that in Dingle Bay the long line men make no objection to trawling, *ib.* 462——Information relative to the improved class of boats used in Dingle Bay, *ib.* 514, 515——The fishing is now in a very flourishing condition, *ib.* 615.

Advance of several loans to fishermen at Dingle by the society in Dublin of which witness is trustee, *Andrews* 1393–1397. 1402, 1403——Great increase in the fisheries at Dingle since the removal of restrictions upon trawling, and through the loans received from witness's society; recent communication to this effect received by witness from the fishermen there, *ib.* 1393–1397. 1404, 1405——Good boats and tackle at Dingle, through the private loans made, *ib.* 1393. 1403.

Mischievous effect of the former restriction upon trawling in Dingle Bay, whilst the fish are now as large and plentiful as ever, *Andrews* 1484, 1485——Prosperity of the Dingle fishing further adverted to as owing mainly to the loans made by the society in Dublin, *ib.* 1487, 1488——Great promotion of the Dingle fisheries by witness's society further adverted to, *ib.* 1626, 1627. 1650–1652. 1690–1693——Statement as to there being now no curing establishment, *ib.* 1635.

Statement that the prohibition upon trawling in Dingle Bay was removed irrespectively of the desire of the line fishermen, *Brabazon* 1880, 1881.

Large increase in the capture of fish in Dingle Bay since the removal of restrictions, *Good* 2258–2262.

Removal of some restrictions in Dingle Bay after two local inquiries had been made; question whether such removal has been beneficial, *Barry* 4298–4301. 4424–4427—— Further explanation in connection with the abrogation of a bye-law imposing a restriction upon trawling in Dingle Bay; comment on the evidence in this case, *ib.* 4508, 4509.

Excellent effect of the removal of restrictions in Dingle Bay, *Brady* 5343–5350.

Dombrain, Sir James. (Analysis of his Evidence.)—Was inspector general of the coast guard in Ireland from 1819 till 1849; has had peculiar opportunities for becoming conversant with the state of the fisheries down to the present time, 830–845——Much greater number of boats and of men engaged in the coast fisheries previously to the famine, 846–849——Several drawbacks under which the fisheries laboured twenty years ago, as compared with the existing facilities, 850–854——Belief that the supply of fish, though very uncertain, is on the whole as great as it ever was, 855.

Great distress consequent upon the famine, owing to which the boats and gear have largely continued in a state of disrepair, 856–859——Increased employment in the fisheries if the people had opportunity of obtaining the proper appliances, 860—— Benefits anticipated from a system of loans, more especially if made through the instrumentality of small companies or local societies, 861. 872–876. 1068, 1069——Illustration in the case of "The Marine Salts Company of Ireland," of the safety with which loans may be made to the fishermen, 861–866. 962–964. 1064–1067. 1113–1115.

Statement as to the peaceful and amenable character of the fishing population generally, 867–871——Expediency of not extending the repayment of loans over too long a period, 877——Necessity of the avocation of farming being combined with that of fishing, 878–881. 947. 972–978. 1096–1098——Unfitness of large companies for carrying on deep sea fishing off the western coasts; instance of this in witness's experience, 882–885. 892–896. 946. 958, 959. 1016–1019——Great obstacle to success on account of the bad weather, 883. 1084, 1085——Importance of small local companies of fishermen as the best mode of combination for carrying on trawling on the west coast, 886–891. 943–957. 1102.

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Great uncertainty in the continuous resort of fish to any particular part of the coast, 946. 949–953. 970, 971. 1073–1083——Immense take of fish at Innisbofin Island, off the Mayo coast, about six years ago, 949–952. 1049–1052——Contemplated fitting out in the first instance of row boats, after which trawling vessels might be obtained, 954–956. 967. 973. 977——Large shoals of herrings and other fish occasionally off the west coast, 967–970——More certain supply of fish near the shore than further out, 967. 1077——Very large fishery off the Isle of Man, 971——Expediency of regulations as to trawling being modified from time to time, 979, 980.

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Several years for which there has been a great deficiency of fish in Dublin Bay, *M'Kerlie* 770, 771——Opinion as to the line fishing in Dublin Bay having improved since the prohibition upon trawling, *Brabazon* 1872-1875——Large fishery going on in the bay, the feeding ground there being protected, *ib.* 2031–2033——Large number of women employed in picking up cockles in the bay, *ib.* 2033——Doubt as to the steamboats having anything to do with the supply of fish in the bay, *ib.* 2113——Opinion as to the supply of fish in the bay not having fallen off to any great extent, *ib.* 2124–2128.

Way in which the prohibition upon trawling in Dublin Bay is very inconvenient to the trawlers, more especially in the winter, *Good* 2236-2239. 2399. 2424–2426——Comment on the use of large seine nets in the bay, whilst trawling is prohibited, *ib.* 2341-2344. 2470, 2471——Large quantity of fish in the bay, *ib.* 2475.

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Statement as to the great injury to lines and gear by the trawlers outside the bay, *Barry* 4353, 4354. 4484–4488. 4586, 4587—— Witness cannot say that the restriction upon trawling has been attended with actual benefit to the fishing in the bay, *ib.* 4443–4449——Constant collision between the line fishermen in Dublin Bay and the trawl men, if there were no restriction upon the latter during the months of November and December, *ib.* 4571–4574.

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Duncannon Pier (*Wexford*). Bad plan adopted for this pier, which cost 6,000 *l.*, and is now quite useless, *Stephens* 2578–2585. 2881. 2884——Return relative to the defective condition of the pier, *App.* 305.

Dundalk Bay. Belief as to the satisfactory state of the fishery in Dundalk Bay, where trawling has for some time been prohibited, *Brabazon* 1859–1867. 2081——Feeling of the hook line fisherman at Dundalk that if there were no restriction upon trawling in the bay they must go to the workhouse; non-objection by them if there were but two trawlers, *ib.* 1865–1871. 1946, 1947.

Dundrum Bay. Several years for which there has been a prohibition of trawling in Dundrum Bay; witness is not acquainted with the circumstances of this case, *M'Kerlie* 478–482——Good supply of fish formerly in Dundrum Bay, where trawling has been prohibited, *Brabazon* 2023, 2024.

Opinion that no injury would be done to long line fishing in Dundrum Bay if the restriction upon trawling were removed, *Good* 2325–2328.

Dungarvan Bay. Very little trawling in Dungarvan Bay; great falling off in the fishery irrespectively of the question of trawling, *Barry* 4327–4330. 4399–4403.

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East Coast. Improvement in the fisheries on the eastern coast; particulars hereon, *M'Kerlie* 354. 374–377. 386, 387——Considerable number of Cornish, Manx, and English boats on the east coast, *M'Kerlie* 717–721——Great increase in the number of large and well-found boats from Skerries, Howth, and Balbriggan now engaged in herring fishing on the east coast, and in mackerel fishing on the south coast, *Andrews* 1416–1419——Much larger capture of fish on the east coast and at Kinsale than when there was double the number of men employed; decrease of capture, however, in many localities, *ib.* 1494-1498.

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caught; exception as regards herrings, *Brabazon*, 1793–1802——Several fishing grounds on the east coast fished by witness at different periods of the year, *Good* 2218–2220——Decrease in the number of boats and of men on some parts of the coast, *ib.* 2232, 2233.

Very good effect of the example set on the east coast by the Cornish and Manx fishing boats, and the industry of the crews, *Barry* 3576–3579. 3617–3622. 3828. 3860–3866——Particular fisheries on the eastern coast which are, almost exclusively, in a very prosperous state, *ib.* 3766–3768——Beneficial effect of English fishermen coming to the coast, *ib.* 3958–3960——Probability of the English, Scotch, and Manx boats on the east coast being two-thirds of the whole, *ib.* 3964. 4041.

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Emigration. Effect of emigration in diminishing the fishing population, *Hornsby* 87. 141–144. 160——Circumstance of several emigrants to America having returned to the fisheries on the west coast, *Savage* 3184–3189.

Employment. Enormous decrease since the year before the famine in the number of boats and crews employed in the fisheries, *Hornsby* 84–86——Belief that if means were forthcoming a large number of the maritime population would resume fishing pursuits, *ib.* 89. 162——Other causes besides the bad state of the boats and gear to which there has been so large a diminution of employment in the fisheries, *M'Kerlie* 402–406.

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Larger population employed in the long-line fishing than in trawling on the east coast; the trawlers, however, working all the year round, *Good* 2388–2399——Large scope for increased employment in the fisheries, *ib.* 2484. 2495——Benefit to the makers of nets and to the public generally by a development of the fisheries, *Savage* 2980——Advantage of local manufacture of lines and nets, *ib.* 3086.

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Enforcement of Regulations. Means of the Board of Works for enforcing their regulations and restrictions in fishery matters, *Hornsby* 209–218.

English Fisheries. Circumstance of the English trawlers not working in-shore as the Irish trawlers do, *Brabazon* 2087–2090——Advantage of English fishermen in being able to trawl where they please, *Brady* 5564, 5565. 5639, 5640.——*See* also *Brixham.*

F.

Famine. Impoverished condition of the people consequent upon the famine, owing to which the boats and gear have become greatly deteriorated, *Hornsby* 87, 88. 161——Much greater number of boats and of men engaged in the coast fisheries previously to the famine, *Sir J. Dombrain* 846–849——Great distress consequent upon the famine, owing to which the boats and gear have largely continued in a state of disrepair, *ib.* 856–859——Effect of the famine in causing great depression in the fisheries, especially on the western coast, *Barry* 3530–3538——Very prejudicial effect of the famine of 1846 upon the fisheries, *Brady* 5310, 5311.

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Opinion that farming and fishing cannot be profitably or advantageously combined, *Andrews* 1310–1313. 1406, 1407——Small proportion of the total number of fishermen who follow the pursuit all the year round, *ib.* 1424, 1425——Advances made by witness's society to persons engaged in fishing and farming; this system, however, is not encouraged by the society, *ib.* 1508–1510. 1590–1596——Dissent from the views of Mr. Barry as to the necessity of fishermen holding plots of land in order to be prosperous, *ib.* 1696–1704.

Contemplated combination of farming pursuits and fishing operations, it being impracticable to fish throughout the year, *Brabazon* 1976–1979. 2000, 2001; *Hoskyn* 5201–5203. 5247–5249——Necessity of the fishermen in witness's locality having a little land attached to their cottages, *Savage* 2981, 2982. 3078–3082. 3142–3144.

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Fishing Grounds. Enumeration of several places along the coast where fishing might be pursued successfully, *Andrews* 1486. 1499, 1500——Numerous parts of the coast where good fishing grounds exist, and are not made available, *Good* 2269–2296.

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Fishing Population. Statement as to the peaceful and amenable character of the fishing population generally, *Sir J. Dombrain* 867–871——Very improvident character of the fishermen, *Sir J. Dombrain,* 1102; *Good,* 2475, 2476——Dissent from a certain statement of Mr. Barry as to the improvidence of the fishermen, *Andrews* 1696–1700. 1735——Opinion as to the exceedingly orderly and peaceable character of the Irish fishermen, *ib.* 1766, 1767——Very industrious character of the fishing population on the west coast, proper fishing gear being alone required, *Savage* 3068–3072. 3133.

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Food. Great consumption of fish among the lower classes, *Barry* 3961, 3962——Incalculable evil of a stoppage of the supply of fish to the people, the demand being unlimited, *Brady* 5437–5442.

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Forster, Robert. Consideration of a recent letter from Mr. Forster, of the Irish Sea Fishery Company at Howth, accounting for the failure of some companies hitherto, and suggesting the adoption of branding, and compulsory agreements, *Barry* 4111–4118.

Letter from Mr. Forster to Mr. Barry, containing suggestions relative to the accommodation at Howth, and the form of agreement between the owners and crews of vessels, *App.* 281.

French Fisheries. Impression as to the French fisheries receiving very liberal encouragement from the Government, *Barry* 4050–4053——Relaxation in France of the former stringent regulations as to trawling, power being still reserved of making bye-laws, *ib.* 4343——Practice of the French Government in regard to restrictions adverted to, *Huxley* 5034, 5035.

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French Fishermen (*Irish Coast*). Inexpediency of concession to French fishermen to fish off the Irish coast, *Brabazon* 2193–2201——Improbability of the French convention coming into operation on the Irish coast so as to disturb existing regulations, *Barry* 4067–4071.

French, J. Townsend. Communication recently received by witness from Mr. J. Townsend French, Lord Lansdowne's agent at Kenmare, as to the improvements required at Ballinskellig Bay, and the expediency of trawling facilities in Kenmare Bay, *Brady* 5450.

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G.

Galway Bay. Obstacle to successful trawling in Galway Bay on account of the opposition of the Claddagh men; some of the latter are, however, now employed in trawling, *M'Kerlie* 462. 499–502——Diminishing objection on the part of the long-line men to trawling in Galway Bay, *ib.* 462——Good fishing grounds off Galway, whilst the Claddagh men are now less opposed to trawling; difficulty as to conveyance to the town, *ib.* 702–711.

Very bad state of the Galway fisheries at the time of the restriction upon trawling *Brabazon* 1876–1879——Circumstance of the Claddagh men not having attended the inquiry at Galway upon the question of trawling, *ib.* 1881——Approval of trawling in deep bays such as Galway Bay, *ib.* 2118–2120. 2203–2205.

Injurious effect of the restrictions in Galway Bay; instance of this, *Good* 2263–2268. 2345–2353. 2441, 2442. 2451, 2452——Great reduction in the number of the Claddagh men; introduction lately of a few trawlers without opposition on their part, *ib.* 2281–2291.

Great prejudices of the Claddagh men; injurious effect as regards the Galway fisheries, *Barry* 3570, 3571. 3610–3616——Less prejudice displayed of late by the Claddagh men, *ib.* 3933–3935—— Long period for which restrictions have been imposed in Galway Bay; the condition of the Claddagh men not having improved; the restrictions however have not been properly enforced, *ib.* 4321–4326. 4450——Great importance of the increased facilities of conveyance since the railway, *ib.* 4469, 4470. 4545–4547——Limit outside which trawling in Galway Bay is not prohibited, *ib.* 4533–4536.

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Good, John. (Analysis of his Evidence.)—Is owner of eleven trawl boats fishing off the eastern coast; is the largest proprietor of trawl boats in Ireland, and is also a shipbuilder and sail-maker, 2206–2212——Size of witness's vessels; the tonnage is about twice as large as it was twenty years ago, 2209, 2210. 2234, 2235——Average of about 10*l.* per ton as the cost of the hull of a trawler, the sails and ropes costing about 2*l.* or 2*l.* 5*s.* a ton, 2213–2217—— Several fishing grounds on the east coast fished by witness at different periods of the year, 2218–2220.

Conclusion, based on a long experience of the east coast, that the fish off the coast have not decreased within the last thirty or fourty years, 2221–2231——Decrease in the number of boats and of men on some parts of the coast, 2232, 2233——Way in which the prohibition upon trawling in Dublin Bay is very inconvenient to the trawlers, more especially in the winter, 2236–2239. 2399. 2424–2426——Loss of large quantities of fish to the public through the exclusion of trawlers from Dublin Bay and from other bays and estuaries, 2238–2242. 2258–2267.

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3. *Dredging.*
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5. *Question of granting Licenses below Low-water Mark to other Parties besides the Occupiers or Proprietors of the adjoining Land.*
6. *Conclusion of the Committee in favour of Licenses to other than Proprietors or Occupiers.*

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1. *Constitution and Functions of the Scotch Fishery Board.*
2. *Public Aid given to the Fisheries.*
3. *Aid given to Fishery Piers.*
4. *System of Branding.*
5. *Practice as to interference with Trawling, &c.*
6. *Other particulars generally.*

1. *Constitution and Functions of the Scotch Fishery Board:*

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Advantage in the plans for piers being deposited by the Board of Works for public inspection, 2829–2831——Slight extent to which the ground is disturbed in trawling, 2842, 2843——Great want of places of shelter along the coast between Kingstown and Dunmore, 2849–2856——Little if any interference by trawling with the lines along shore, so that restrictions on this score are not required, 2875–2880——Witness is in fact opposed to any restriction whatever, and considers that the removal of all restrictions would not affect the available supply of fish, 2882, 2883. 2885–2893——Doubt as to steam trawling answering for salmon fishing, 2894–2896.

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Inaccuracy of Mr. Andrews in the statement that a sum of 5,000 *l.* a year was available for the Irish fisheries for many years past; concurrence of the law officers of the Crown, in witness's opinion, that this is not so, 4681, 4682——Powers and practice of the Board in regard to bye-laws for regulating the fisheries; expediency of such powers, 4683, 4684.

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Contemplated addition of two inspectors to the present staff, 4751–4755——Probable clashing of the inspectors if they were all under one Board for both the sea coast and inland fisheries, 4756–4761——Approval of the present system of the Commissioners reporting to Parliament, indirectly, through the Lord Lieutenant, 4762–4764——Concurrence in the view that a consolidation of the sea-fishery laws is desirable, it being a question, however, whether such consolidation ought not to be effected by a Government measure, 4765–4772.

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Advantage of inspectors being resident in their districts, 4860–4862——Probable sufficiency of one inspector, if the Board are to have nothing to do with the question of restrictions upon trawling, or with loans to fishermen, piers, &c., 4870–4884——Opinion as to the sufficiency of the powers under the Act of 1866, for dealing with the oyster fisheries, 4902, 4903.

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Sun-Fish. Large number of sun-fish off the west coast, whilst their capture would be very profitable on account of the oil yielded, *Savage* 3217–3222——Very profitable fishing formerly off Clifden for sun-fish; decline of this pursuit, the fish not being so numerous, and large boats being required, *Hart* 4249–4259.

Supply of Fish. Large shoals of migratory fish, to which the improvement in the fisheries on the east and south coasts are mainly attributable, *M'Kerlie* 495——Entire disappearance of some kinds of fish off the coast, *ib.* 516——Decrease in the quantity of fish off the coast further adverted to; doubt as to the cause, though on the east coast the fishermen attribute it to trawling, *ib.* 545–548. 666–671. 772, 773.

Belief that the supply of fish, though very uncertain, is on the whole as great as ever it was, *Sir J. Dombrain* 855; *Andrews* 1286–1289. 1389; *Stephens* 2756——Great uncertainty in the continuous resort of fish to any particular part of the coast, *Sir J. Dombrain* 946. 949. 953. 970, 971. 1073–1083——Further statement that fish abound round the coast as much as ever, though in several places there is not the same capture as formerly, through want of means, *Andrews* 1413–1416.

Great productiveness of the Irish fisheries in former times, when the Dutch and Spaniards paid for the privilege of fishing off the coast, *Andrews* 1501–1507——Conclusion as to haddock and other fish not having disappeared off the coast, but only changed their feeding grounds, *ib.* 1718–1721——Conclusion, based on a long experience of the east coast, that the fish off the coast have not decreased within the last 30 or 40 years, *Good* 2221–2231.

Data for the conclusion that on the whole there has been a considerable decrease in the quantity of fish off the coast and in the capture, *Barry* 3317–3325. 3884–3889——Diminished capture of fish further adverted to as owing not only to decreased supplies off the coast, but to the habits of the fishermen, *ib.* 3605–3616.

Migratory habits of herrings and other fish, it being essential to follow them when they change their feeding grounds, *Hoskyn* 5125–5128. 5167–5181. 5206–5208. 5216——Doubt as to the supply of fish having diminished on the whole, though there is much uncertainty in it, *Brady* 5585–5611——Probable advantage of a Government survey, or of an official inquiry into the habits of fish with reference to their occasional and sudden disappearance from particular grounds, *Allman* 6083–6091. 6119–6123.

Statement by Mr. Ffennell and Mr. Barry in 1856, as to the exaggerations prevalent in regard to the supply around the coast, *App.* 272.

Letter from Mr. J. Copeland, dated October 1866, relative to the decrease of fish in the Irish Sea, *App.* 278–281.

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Conclusion as to the quantity of fish along the coast being as abundant as ever, *Rep.* iii.

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Survey (*Fishing Grounds*). Circumstance of the Board of Works never having suggested an inquiry relative to the existence of fishing grounds round the coast, *M'Kerlie*, 819–822—— Doubt as to the expediency of a Government survey as to the existence of fishing grounds not now known, *Good* 2474—— Great importance of a Government survey of the different banks off the Irish coast, *Stephens* 2754, 2755——Approval of a Government survey of the fishing banks, *Barry* 3895, 3896. 4102–4109——Advantage if some measures were taken for surveying the fishing grounds round Ireland; necessity of this being done by practical persons, *Hoskyn* 5128–5131. 5214–5216.

Swilly, Lough. Report of meeting held by Mr. Barry in June 1866, to inquire into the effects of the bye-law with regard to trawling, *App.* 299–302.

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Trammel Nets. Objections made to trawling in Bantry Bay on account of the interference with trammel-net fishing, *Barry* 4363. 4484. 4495–4505—— Destruction of trammel nets by trawlers going over them, it being desirable probably to impose some restriction for the protection of trammel-net fishing, *Huxley* 4953. 4967. 4986–4988. 5076–5080—— Doubt as to trawling being injurious either to line fishermen or trammel-net men, except under special circumstances, *Hoskyn* 5138–5141. 5182, 5183. 5258——Conclusion as to restrictions not being required in order to prevent damage to the long lines and trammel nets, *Brady* 5348. 5350–5359. 5450. 5457–5463. 5662.

Trawling:

1. *Practice of the Board of Works not to impose any Restriction upon Trawling, except upon local Application, and after due Inquiry.*
2. *Suspension of further Action since the Appointment of the Royal Commission.*
3. *Conflicting Views which prevail as to the Effects of Trawling.*
4. *General Conclusion of the Board of Works in Disapproval of Trawling in Bays and Estuaries.*
5. *Evidence opposed to unrestricted Trawling on account of the Destruction of Spawn and Fry.*
6. *Evidence in Denial of the alleged Injury to Spawn and Fry, and in Disapproval of Restrictions on this score.*
7. *Comment upon the Prevention of Trawling in some Cases, whilst it is allowed in others.*
8. *Effect of Restrictions in lessening the Supply of Fish.*
9. *Question of Restriction with Reference to Injury to Long Lines and Trammel Nets.*
10. *Question of Prohibition within a five-fathom or ten-fathom Line.*
11. *Question of a Close Time, or of Prohibition during certain Hours.*
12. *Suggestions in regard to the Power of making Bye-laws for the Regulation of Trawling, &c.*
13. *Evidence in favour of the Removal of all Restrictions.*
14. *Extent of Trawling Ground off the Irish Coast.*
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16. *Comparative Employment in Trawling and in Long-line Fishing.*
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18. *Conclusions and Recommendations of the Committee.*

1. *Practice of the Board of Works not to impose any Restriction upon Trawling, except upon local Application, and after due Inquiry:*

Explanation that it is the practice of the Board not to assume the initiative in fishery matters, nor to impose restrictions, unless upon application from the localities, *Hornsby* 98–102——Policy of restriction as regards trawling, &c. before the Act 5 & 6 Vict., whilst under that Act restrictions were made exceptional, *ib.* 113–121——Local inquiry through Mr. Barry, when applications are made for the prohibition, or for the allowance, of trawling, the Board being guided by his reports, and by the circumstances of each case, before making any bye-laws, *ib.* 121–140. 145–150——Very rare attendance of the Com-

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1. *Practice of the Board of Works not to impose any Restriction upon Trawling, except upon local Application, and after due Inquiry*—continued.

missioners at the meetings held by Mr. Barry; ample data before them irrespectively of personal inquiry, *Hornsby* 131–136. 145–150. 283–288.

Practice of the Board not to place restrictions, except upon special application from the locality, *M'Kerlie* 451–460. 507–509. 762——Imposition of restrictions chiefly on the application of long-line fishermen, each case being decided on its own merits, *ib.* 451–459. 503–509——Due examination by the Commissioners of the evidence taken by Mr. Barry in his inquiries, *ib.* 747–749. 829.

Policy of the Commissioners not to interfere with trawling, except upon local complaint, and after due investigation and consideration of the circumstances of each case, *Barry* 4276–4289. 4305, 4306. 4398.

2. *Suspension of further Action since the Appointment of the Royal Commission:*

With regard to the views arrived at by the Board in disapproval of trawling in bays and estuaries, it has been resolved to postpone any alteration or any action in the matter pending the expected legislation on deep-sea fisheries generally, *Hornsby* 54–65. 103, 104. 119–140. 145–150——Few applications on the subject of trawling within the last two years; postponement of any regulations in these cases, *ib.* 126–130. 137, 138——In consequence of the appointment of the Royal Commission, any action upon the subject of trawling has generally been suspended, *Barry* 4296. 4303, 4304. 4420.

3. *Conflicting Views which prevail as to the effects of Trawling:*

Very opposite views which prevail on the subject of trawling, witness hesitating to express any decided opinion in the matter, *Sir J. Dombrain* 901–903. 1124, 1125—— Conflicting interest of long-line fishermen and trawl fishermen, there being much exaggeration on each side as to the effect of trawling, *Barry* 4340–4356. 4465–4468—— Further reference to the very contradictory evidence given upon the question of unrestricted trawling, *ib.* 4465–4468. 4471–4475——Very conflicting evidence before the Royal Commission as to the effect of trawling upon spawn and fry, *Huxley* 4920. 4932, 4933. 4938. 4976.

4. *General Conclusion of the Board of Works in Disapproval of Trawling in Bays and Estuaries:*

Consideration of the conclusions arrived at by the Board in recent reports in disapproval of removing all restrictions upon trawling in bays and shoal waters: due investigation and discussion before coming to this decision, *M'Kerlie* 421–432. 503. 829—— Careful and long-extended inquiries made by witness and his colleague into the question of trawling, upon which they dissented from the opinion expressed by the Royal Commissioners in favour of removing all restrictions, *ib.* 538–544. 722–733. 758–761. 829.

5. *Evidence opposed to unrestricted Trawling, on account of the Destruction of Spawn and Fry:*

Statement on the subject of spawn and immature fish, as showing that at certain seasons of the year trawling is in some localities very injurious, *M'Kerlie* 433–442—— Conclusion further expressed that trawling within the bays must be more or less injurious, *ib.* 742. 776–779.

Effect of trawling in disturbing and destroying the spat, as well as the animalculæ, or food of the fish; examination hereon as to witness's data for concluding that fish spawn upon sand, over which the trawlers work, *Brabazon* 1792. 1813–1858——Statement that witness has never seen spawn taken up in trawling nets; this, however, is no proof that the spawn is not destroyed, *ib.* 1813–1858. 1908–1916.

Further evidence in support of the conclusion that fish deposit their spawn in the sand, and that such spawn is destroyed in large quantities by the trawling apparatus, *Brabazon* 1907–1925. 1935–1941——Instance of trawling in a very shallow water in order to get bait for long-line fishing, *ib.* 1930——Great injury to the fisheries through the immense destruction of immature fish taken in the trawling nets, *ib.* 1985–1990. 2073–2075.

Precise way in which the operation of trawling destroys the spawn and injures the feeding grounds, *Brabazon* 2082-2086. 2131–2135——Conclusion further expressed as to fish spawning in the sand, and not on the surface, *ib.* 2096. 2131——Opinion that fish occasionally spawn on their feeding grounds, *ib.* 2202.

Examination upon the question of trawling being injurious to spawning beds, complaints on this score being one of the causes of the restrictions enforced; great difficulty in proving that injury is really done, the evidence on the subject being very conflicting, *Barry* 4305–4313. 4355, 4356. 4390–4398. 4611–4616. 4627–4633——Evidence in detail in opposition to the view that there should be a general abolition of restrictions on trawling, as contended for by the Royal Commission, *ib.* 4337–4339. 4416 *et seq.*

6. *Evidence*

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6. *Evidence in Denial of the alleged Injury to Spawn and Fry, and in Disapproval of Restrictions on this score:*

Spawning of fish, either in shallow water or on rough grounds where the large trawlers cannot work, *Andrews* 1429-1433——Statement in further support of the conclusion that spawn and fry are not injured or destroyed by large trawlers, but rather by small trawlers and by men using shore nets and hand nets, *ib.* 1458. 1480——Impracticability of the large trawl boats working where the fish spawn, on account of the depth of water and the smoothness of bottom required, *ib.* 1464-1469——Description of the apparatus used in trawling, and of its effect upon the ground or sand; conclusion that any spawn in the sand would not be destroyed, *ib.* 1472-1478——Further statement as to spawn and fry not being injured by the operation of trawling, save in the case of small vessels, *ib.* 1597. 1612. 1746-1756. 1773, 1774.

Statement as to the spawn of flat or round fish being never taken up in witness's nets, *Good* 2243. 2248. 2374-2376——Conclusion as to fish spawning in places where the trawlers do not work or would not work, even in bays, *ib.* 2245-2250. 2457——Explanation as to the working of the trawl along the ground; obstacle to its going over rough or sheltered ground where the fish spawn, *ib.* 2250-2257.

Statement as to spawn never being taken up by witness's trawlers, *Stephens* 2562-2571. 2800-2802. 2841——Comparatively few young fish or fry taken up by witness's vessels: larger quantity taken up in deep than in shallow water, *ib.* 2724-2726. 2803-2807——Sale of all the fry taken in the trawl nets, *ib.* 2825-2827——Slight extent to which the ground is disturbed in trawling, *ib.* 2842, 2843——Doubt as to much injury being done to spawn by trawling operations, *Savage* 3121-3124. 3198-3202——Opinion as regards trawling, that fish spawn chiefly in shallow water and that restrictions upon trawling in deep water are not essential, *Hart* 4239-4248.

Details in support of the conclusion that there is no proof of injury to spawn by trawling, whilst there is little if anything known concerning the spawn of fish except herring spawn, *Huxley* 4920-4939. 4945. 4955. 4992-4998. 5017-5019. 5037-5042——Capture of some kinds of immature fish by trawlers, such fish however when of full size being rarely taken by long lines, *ib.* 4942-4944.

Frequent employment by witness for scientific purposes, of an apparatus for bringing up minute objects from the sea bottom; way in which this apparatus works, *Hoskyn* 5089-5099——Statement as to this apparatus having never brought up the spawn of fish: conclusion based on this and other grounds, that trawling in bays and estuaries would not destroy spawn or be injurious to the fisheries, *ib.* 5138-5155. 5204, 5205. 5233-5235. 5255, 5256——Opinion that fish spawn chiefly in very deep water and in rough places where trawlers cannot work, *ib.* 5105-5107. 5110-5115. 5118-5120. 5124. 5149-5155. 5161-5165.

Details in support of the conclusion that trawling in bays or estuaries is not injurious to the spawn of fish, and that restrictions upon trawling are altogether unnecessary, and very prejudicial to fishing enterprise and to the public, *Brady* 5331-5359. 5449-5469. 5562-5614. 5628-5630; *Allman* 6010 *et seq.*——Practical experience of witness in trawling, whereas he never saw any spawn taken up, *Brady* 5334-5339. 5349, 5350——Opinion as to the effect of the trawling process in improving the feeding ground without injuring the spawn, *ib.* 5572-5577.

Grounds for the conclusion that even if herring spawn were disturbed by the trawling apparatus the vitality would not be destroyed, *Allman* 6020 *et seq.*

7. *Comment upon the prevention of Trawling in some cases whilst it is allowed in others:*

Great inconsistency of the regulation permitting small vessels to trawl whilst large vessels are prohibited, *Andrews* 1470, 1471——Special regulations of the Board of Works in regard to trawling further adverted to as having been the result of local representations, *ib.* 1757-1759——Inconsistent course pursued by the Board of Works on the subject of trawling: insufficient evidence upon which restrictions have been applied, *Brady* 5340-5348——Inconsistency in allowing trawling in some bays, and preventing it in others, this however being done by the Board only on application from the localities, *Good* 2452-2457. 2461-2470.

8. *Effect of Restrictions in lessening the Supply of Fish:*

Probable escape of large quantities of fish, in some cases by the prohibition of trawling in bays, *M'Kerlie* 464——Probability of much more fish being caught but for the restrictions on trawling, *Sir J. Dombrain* 902-904——Doubt as to the fish coming into the bays and harbours during storms, *Brabazon* 1883-1885——Probability of some fish escaping capture in bays through the prohibition upon the larger trawlers coming in, *ib.* 1886, 1887.

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8. *Effect of Restrictions in Lessening the Supply of Fish*—continued.

Loss of large quantities of fish to the public through the exclusion of trawlers from Dublin Bay, and from other bays and estuaries, *Good* 2238–2242. 2358–2367. 2451, 2452. 2475; *Hoskyn* 5116–5127. 5143–5148. 5235–5261——Probability of fish which enter bays in bad weather largely escaping through the prohibition of trawling, *Barry* 4314–4320——Effect of restrictions in Ireland in diminishing the supply to the markets, *Huxley* 4946, 4947.

9. *Question of Restriction with reference to Injury to Long Lines and Trammel Nets:*

Instances of long lines being injured by trawls; few complaints now made on this score, *Andrews* 1481–1483——Doubt as to the expediency of restrictions upon trawling, on the ground of injury to the lines of other fishermen, *Andrews* 1672–1677; *Hoskyn* 5138–5141. 5182, 5183; *Brady* 5348. 5350–5359. 5450. 5457–5463. 5662.

Instances at Howth, Kingston, and Galway of large destruction of lines through the trawlers going over them, *Brabazon* 2023. 2121. 2183, 2184——Great injury to herring nets, &c. if there were no restriction upon trawlers coming near, *ib.* 2183–2190.

Exceptional instances of injury by trawlers to the lines and hooks, *Good* 2297, 2298. 2377–2382. 2392–2394——Non-interference of the trawlers with the lines of the other fishermen of Dungarvan, *Stephens* 2772——Little, if any, interference by trawling with the lines along shore so that restrictions on this score are not required, *ib.* 2875–2880 —— Expediency of the spillers of the line fishermen being protected against injury from the trawling boats; liability to such injury, *Savage* 3203–3209.

Complaints made of injury to long lines adverted to as one of the chief reasons for restrictions upon trawling, *Barry* 4289. 4313. 4350–4353——Numerous instances of injury to the gear of long-line men by the trawling boats, *ib.* 4350–4352——Instance of the undue interference of trawling with the trammel-net men, *ib.* 4363. 4484. 4495–4505 ——Importance of the power of making bye-laws in the matter of injury to lines, *ib.* 4527–4532——Obstacle to trawlers avoiding the long lines if well buoyed, *ib.* 4622.

Belief as to long lines not being necessarily injured by the trawl boats, *Huxley* 4953, 4954. 4971–4973. 5008——Some restriction may be required for the protection of trammel net fishing, *ib.* 4953. 4967. 4986–4988. 5076–5080——Doubt as to the necessity of any special protection of the trammel nets, *Hoskyn* 5138–5141. 5182, 5183. 5258; *Brady* 5348–5359. 5457–5463.

10. *Question of Prohibition within a five-fathom or ten-fathom Line:*

Much mischief done by small trawlers and shore-nets in the destruction of fry, so that it might be found necessary to draw a five-fathom line as a restriction, *Andrews* 1426–1435. 1445–1455. 1459.

Approval of the ten-fathom line as the limit within which trawling should be prohibited, *Brabazon* 1809–1812——Further statement to the effect that witness is not opposed to trawling except within the ten-fathom line, or in spawning bays and shoal ground, *ib.* 2016–2022. 2107. 2110–2120——Chief object of the proposed restrictions upon trawling that the long-line fishermen may obtain fish enough for the local demand, *ib.* 2076–2081——Suggestions as to the mode of enforcing a ten-fathom line for trawling, that is, by drawing it from headland to headland, *ib.* 2114–2121. 2202–2205.

Expediency of trawling being allowed in five fathom water, *Stephens* 2718–2722—— Entire impracticability of a regulation for enforcing the prohibition of trawling within the five-fathom line, *Barry* 4370—— Impediments to carrying out the proposed restriction upon trawling within a five or ten fathom line, *Hoskyn* 5260, 5261——Objection to a prohibition upon trawling within a five-fathomed or a ten-fathomed line, *Allman* 6124.

11. *Question of a Close Time, or of prohibition during certain hours:*

Approval of a close time in shallow waters, *M'Kerlie* 712–716——Approval of a close season during the months of June, July, August, and September, *Andrews* 1456–1458. 1461–1464. 1616–1623——Insufficiency of a close season as a protection, *Brabazon* 1985, 1986.

Evidence opposed to a close time as applied to trawling, *Good* 2418, 2419; *Stephens* 2778; *Huxley* 4951; *Hoskyn* 5157*–5160. 5253, 5254; *Allman* 6108, 6109——Circumstances under which a close time might advantageously be adopted; suggested restriction also as regards trawling at night, *Barry* 4357–4372. 4454–4464. 4591, 4592 ——Decided advantage of a prohibition during certain hours in bays and estuaries, as compared withthe present restrictions, *Brady* 5429–5456.

12. *Suggestions*

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12. *Suggestions in regard to the power of making Bye-laws for the regulation of Trawling, &c.:*

Importance of regulations as to trawling being modified from time to time, as by means of bye-laws, *Sir J. Dombrain* 978–980——Expediency of the Commissioners retaining the power of making bye-laws for preventing mischief by small trawlers, &c., in shallow water, or within the five-fathom line, *Andrews* 1597–1602. 1612–1615. 1671. 1678–1683. 1747–1750.

Objection to uniform regulations being laid down by Act of Parliament for the different localities, in regard to trawling, *Barry* 3968–3971. 3988–3995——Opinion adverse to restrictions as a rule; each case should be decided by a Board as at present, *ib.* 4343. 4391. 4416–4419. 4451–4453.

Expediency of bye-laws, rather than of a general legislation in regard to restrictions upon trawling, *Stewart* 4845, 4846. 4897. 4900–4903——Disapproval of any legislative restriction whatever, whilst if restrictions be applied at all, it should only be after full inquiry in each case, and upon the direct sanction of the Lord Lieutenant in Council, *Huxley* 4980–4990. 5058–5072——Expediency of limiting the power of making bye-laws to the question of restricting trawling in narrow bays at particular hours or seasons, *ib.* 4984, 4985. 4991.

13. *Evidence in favour of the removal of all Restrictions:*

Advocacy of the removal of all the present restrictions upon trawling, whilst if injurious results were proved, a five-fathom line may readily be imposed afterwards, *Andrews* 1426–1455. 1459——Decided objection to the prohibition of trawling in the bays of Dublin, Dundalk, Drogheda, &c., *ib.* 1439–1444——Further support of the proposition for removing all restrictions upon large trawls, such boats not being injurious to spawn or fry, *ib.* 1458. 1480. 1597. 1612. 1670. 1746–1756. 1773, 1774.

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Suggested regulation, by means of bye-laws, of the distance that trawlers should keep from other craft engaged in drift-net fishing for herrings or mackerel, *Rep.* v.

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TO THE

REPORT

FROM THE

SELECT COMMITTEE

ON THE

SEA COAST FISHERIES (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed,*
19 *July* 1867.

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REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON THE

TENURE (IRELAND) BILL [H.L.];

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1867.

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REPORT.

BY THE SELECT COMMITTEE on the TENURE (IRELAND) BILL [H.L.], and to report to The House, and to whom was referred the Report from the Select Committee of the House of Commons (of 1865) on Tenure and Improvement of Land (Ireland), together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index.

ORDERED TO REPORT,

THAT the Committee have, so far as time has permitted, carefully considered the Bill referred to them, and have heard much and important Evidence, as well with reference to it as to the general subject of Land Tenure in Ireland. To this Evidence the Committee beg leave to direct the particular attention of your Lordships. The witnesses were impartially chosen, and combined much experience in the management of land with an intimate knowledge of the condition generally of the agricultural classes.

The subject-matter of the Bill is, however, of so much complexity and difficulty, that they are of opinion that it is not possible for them in the short period of the Session now remaining, to make such progress in it as to warrant them in recommending it at present for your Lordships' adoption. The Committee have therefore determined to report the Evidence, together with the Bill in its necessarily incomplete state, and to recommend that the Committee be re-appointed at as early a period of next Session as practicable for the purpose of further considering it.

The Committee have ordered the said Bill to be reported to your Lordships with some amendments, and have directed the Minutes of Evidence taken before them to be laid before your Lordships.

2 August 1867.

ORDER OF REFERENCE.

Die Martis, 21° *Maii*, 1867.

TENURE (IRELAND) BILL [H.L.]

Order of the Day for the House to be put into Committee, read, and discharged; and Bill referred to a Select Committee: The Committee to be named on Thursday next.

Die Jovis, 23° *Maii*, 1867.

The Lords following were named of the Select Committee: The Committee to meet on Monday next, at Four o'clock, and to appoint their own Chairman:

Duke of Devonshire.	Earl of Kimberley.
Marquess of Bath.	Viscount Lifford.
Earl of Devon.	Lord Somerhill.
Earl of Clarendon.	Lord Clandeboye.
Earl of Lucan.	Lord Churston.
Earl of Rosse.	Lord Westbury.
Earl Grey.	Lord Meredyth.
Earl of Stradbroke.	Lord Cairns.

Die Martis, 28° *Maii*, 1867.

The Lord Dunsany added to the Select Committee.

Die Veneris, 31° *Maii*, 1867.

Report from the Select Committee of the House of Commons (of 1865) on Tenure and Improvement of Land (Ireland) Act, together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index: Communicated (pursuant to Message of Monday last), and referred to the Select Committee on the Tenure (Ireland) Bill [H.L.]

Die Martis, 2° *Julii*, 1867.

The Evidence taken before the Select Committee from time to time to be printed for the use of the Members of this House, but no copies thereof to be delivered, except to the Members of the Committee, until further Order.

Die Jovis, 18° *Julii*, 1867.

The Viscount De Vesci added to the Select Committee.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Lunæ, 27° *Maii*, 1867.

LORDS PRESENT:

Marquess of Bath.	Earl of Stradbroke.
Earl of Devon.	Earl of Kimberley.
Earl of Clarendon.	Viscount Lifford.
Earl of Lucan.	Lord Somerhill.
Earl of Rosse.	Lord Churston.
Earl Grey.	Lord Westbury.

Order of Reference read.

Order of the House of Thursday last empowering the Committee to appoint their own Chairman, read.

It is proposed, That the Lord *Somerhill* do take the Chair.

The same is agreed to, and the Lord *Somerhill* takes the Chair accordingly.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned to Wednesday next, One o'clock.

Die Mercurii, 29° *Maii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Kimberley.
Marquess of Bath.	Viscount Lifford.
Earl of Clarendon.	Lord Somerhill.
Earl of Rosse.	Lord Churston.
Earl Grey.	Lord Meredyth.
Earl of Stradbroke.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

Order of the House of yesterday, adding the Lord *Dunsany* to the Committee, read.

The Proceedings of the Committee of Monday last are read.

The Title of the Bill is read, and postponed.

The Preamble of the Bill is also read, and postponed.

The Clauses are severally read, and Amendments made therein.

Ordered, That the Committee be adjourned to Monday next, One o'clock.

Die Lunæ, 3° *Junii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Kimberley.
Marquess of Bath.	Viscount Lifford.
Earl of Devon.	Lord Somerhill.
Earl of Clarendon.	Lord Clandeboye.
Earl of Lucan.	Lord Churston.
Earl of Rosse.	Lord Meredyth.
Earl Grey.	

The Lord SOMERHILL in the Chair.

Order of Adjournment, read.

Order of the House of Friday last, referring to the Committee a Report from the Select Committee of the House of Commons (of 1865) on Tenure and Improvement of Land (Ireland) Act; together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index, read.

The Proceedings of the Committee of Wednesday last are read.

The Clauses are further considered, and Amendments made therein.

Ordered, That the Committee be adjourned to Wednesday next, One o'clock.

Die Mercurii, 5° *Junii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Kimberley.
Earl of Devon.	Viscount Lifford.
Earl of Clarendon.	Lord Somerhill.
Earl of Lucan.	Lord Clandeboye.
Earl of Rosse.	Lord Churston.
Earl Grey.	Lord Meredyth.
Earl of Stradbroke.	

The Lord SOMERHILL in the Chair.

Order of Adjournment, read.

The Proceedings of the Committee of Monday last are read.

The Clauses are further considered.

It is moved by the Chairman, to agree to the following Resolution, viz.—"That a Registration of Improvement shall, in certain cases, be afforded."

Objected to.—On Question—

Content.	Not Content.
Duke of Devonshire.	Viscount Lifford.
Earl of Devon.	
Earl of Clarendon.	
Earl of Lucan.	
Earl of Rosse.	
Earl Grey.	
Earl of Stradbroke.	
Earl of Kimberley.	
Lord Somerhill.	
Lord Clandeboye.	
Lord Churston.	
Lord Meredyth.	

Ordered, That the Committee be adjourned to Friday the 21st instant, One o'clock.

Die Veneris, 21° *Junii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Stradbroke.
Marquess of Bath.	Earl of Kimberley.
Earl of Devon.	Viscount Lifford.
Earl of Clarendon.	Lord Dunsany.
Earl of Lucan.	Lord Somerhill.
Earl of Rosse.	Lord Churston.
Earl Grey.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of the 5th instant are read.

The Clauses are further considered.

Several new Clauses are laid before the Committee by the Chairman.

Clauses 1 to 7, both inclusive, are read, and Amendments made therein.

Clause 8 is read, and is as follows; viz.—

PART III.—LEASES.

PART III. LEASES.

8. And whereas it is expedient to provide a simple form of lease, to be governed by certain general statutable reservations and obligations, so far as they shall not be excepted or notified by special agreement:

I. Every lease to be made after the commencement of this Act shall be in the following Form, or as nearly so as the circumstances will admit:

I. All leases to be in Form in Schedule.

LEASE.—Its purpose.

County of
Barony (*or* town) of
Townland (*or* street) of

Description of tenement.(2)
Its acreable contents.

This is to witness that (3) of as landlord, has let the said tenement to (4) of as tenant (5) to hold from the day of (6) for the term of (7)
at the rent of pounds for each (8) ,
payable on the following days (9)

Subject to the reservations and obligations specified in "The Irish Tenure Act" (with the exceptions and additions following, if any):

Exceptions } (10)
Additions }

(signed) Landlord. Witness.
This day of .

(signed) Tenant Witness.
This day of .

Registered this day of 186 .
(signed) (Deputy) Clerk of Peace.

(1) As for "Agriculture," "Dwelling," "Building," "Mining," "Reclaiming," &c. Locality.

(2) Description of the premises to be let.

(3) Name of landlord.

(4) Name of tenant.

(5) If as substitute for old lease, add—*Instead of a lease of the same, made on the day of by to for the term of at the rent of payable .*

(6) Commencement of tenancy.

(7) Life or years, or from period to period.

(8) Year, quarter, month or week.

(9) Gale days.

(10) State any statutable reservations or obligations which it is agreed to except or modify, or any other which it is agreed to add.

And every such lease in the above form shall operate to convey the lands therein described, both at law and in equity, to the tenant and his legal representatives, for the term for which such lease shall have been granted; and (unless any exception shall have been specially made therein) it shall be deemed to include and convey all buildings, outhouses, barns, stables, yards, gardens, cellars, ancient and other lights, paths, passages, ways, watercourses, easements, and all other appurtenances whatsoever, belonging or in anywise appertaining thereto, but not any right or thing which the landlord himself could not himself use or enjoy if in possession of the lands:

The lease shall convey the lands described, with all usual appurtenances; but not more than the landlord's right.

II. And every such lease shall, without further words for that purpose contained therein, be subject to the several reservations and obligations hereinafter specified, and printed in italic letter, and shall operate as follows:

II. All tenancies to be subject to certain reservations and obligations.

I. It shall reserve to the landlord the right of property in—

I. General Reservations.

(A.) *All buildings, erections, piers, posts, railings, fences, and other things which shall be upon the tenement at the commencement of the tenancy, together with all gates, doors, windows, shutters,*

(A.) Buildings, &c.;

subject to tenant's use.

shutters, grates, locks, bolts, and other parts necessary to render the same complete for their intended purpose; subject to the tenant's right of using the same, or of replacing them by like things of at least equal value, which shall maintain or increase the value of the tenement.

(B.) Minerals, &c.; subject to tenant's use on the tenement.

(B.) *All minerals, stones, gravel, sand, turf, or bog timber which shall be upon the tenement at the commencement of the tenancy; subject to the tenant's right of using the same for his own enjoyment upon the tenement, or for any purpose connected with the proper use or improvement of the tenement:*

(C.) Trees, &c.

(C.) *All trees, hedges, shrubs saplings, or inclosed coppice wood which shall be growing on the tenement at the commencement of the tenancy:*

(D.) Royalties.

(D.) *All royalties and franchises:*

II. General Obligations.

II. It shall bind the tenant to the following general obligations:—

(E.) To pay rent, and taxes.

(E.) *To pay to the landlord during the continuance of the term the rent reserved by the lease, without any deduction whatever, at the times and in the manner agreed upon, and also to pay all taxes, rates, duties, and assessments, whether parochial, parliamentary or otherwise, which shall be charged or chargeable upon the tenement or upon the landlord in respect to the tenement, excepting such taxes, rates, duties, or assessments, or any portion of the same, from which the tenant may be exempted by any law or special agreement:*

(F.) Not to sub-let without consent.

(F.) *Not to sub-let the tenement, or any part of the same, without the written consent of the landlord, endorsed either upon the lease or the sub-lease, and signed by the landlord:*

Conacre sub-letting.

And not to allow any person to use any part of the tenement for any purpose of tillage, or for any other purpose than for grazing for a single season, or from season to season:

(G.) Not to assign without consent.

(G.) *Not to assign the tenement, or any part of the same, without the written consent of the landlord, endorsed either upon the lease or the assignment, and signed by the landlord:*

(H.) To maintain in repair.

(H.) *To maintain in good and substantial repair and condition all buildings or other erections, and all parts of the same, and all gates, hedges, ditches, fences, open drains or outfalls of drains, or other things which shall be on the tenement at the commencement of the tenancy:*

To till in husband-like manner.

To till and use any agricultural lands contained in the tenement in a good and husband-like manner, and according to any particular course of husbandry which may be more particularly prescribed by such lease;

And not to burn or permit to be burned any part of the soil or surface of such lands without the consent in writing of the landlord:

(I.) And to deliver the premises up in good repair on determination of tenancy.

(I.) *And at the determination of the tenancy to deliver up to the landlord for the time being the said tenement, and all such buildings, erections, and other things, in good and substantial repair and condition in all respects, reasonable wear and tear and damage by fire only excepted.*

(K.) To insure.

(K.) Under every lease which shall bind the tenant to insure the tenement,

He shall be bound to insure the buildings upon the tenement to the full value thereof in some respectable insurance office in the joint names of the landlord and tenant, and to keep the same so insured during the term, and upon the request of the landlord or his agent to show the receipt for the last premium paid for such insurance for every current year, and as often as the said buildings shall be burned down or damaged by fire to lay out and expend all sums of money which shall be recovered or received by the said tenant in respect to such insurance in building or repairing the said buildings or such parts thereof as shall be burnt down or damaged by fire as aforesaid:

And every lease which shall contain an express agreement for the purpose shall reserve to the landlord,

All such game, wild fowl, and fish, and all such privilege of hunting, shooting, or fishing on the tenement as shall be specified in such lease.

Except where the parties except or modify the general law.

Provided always, that the parties to such lease may, by express words of agreement for that purpose contained therein, make such exceptions or modifications of the said reservations and obligations, or may establish such other reservations or obligations as may be applicable in each particular case, and as may be authorised by the estate or powers of such landlord:

And all such additional or modified reservations or obligations shall have the like effect as if they had been set forth in this Act; and the tenant shall be deemed bound to fulfil the same in the particular manner prescribed by the lease, and so as shall best carry out the plain intention of the parties:

What shall be sufficient words to make reservations or obligations applicable or not.

And in every lease it shall be a sufficient designation of such several reservations or obligations to adopt either the letter or the words used to indicate their purport in the margin of this Act, or any other words which shall express an intention whether or how far the particular reservation or obligation referred to shall apply to the tenancy created by such lease:

Where term uncertain, lease to continue in force from period to period till determined by notice.

And whenever the tenancy shall be by the year, quarter, month, or week, the lease shall not be deemed to be at an end at the expiration of each year or other period, but to continue in force and binding upon the several parties until the tenancy shall be determined by a notice to quit, as provided by the section of this Act.

It is moved by the Earl *Grey*, to leave out "subject to the tenant's right of using," in paragraph B. of Clause 8, and to insert "but with respect to stones, gravel, sand, or turf, the tenant, if not specially restricted, shall be allowed to use," in lieu thereof.

It

It is then moved by the Viscount *Lifford*, that the word "turf" be omitted from the said Amendment.

Objected to.—On Question, That the word "turf" be omitted:

Content.	Not Content.
Duke of Devonshire.	Earl of Clarendon.
Marquess of Bath.	Earl of Rosse.
Earl of Lucan.	Earl Grey.
Earl of Kimberley.	Earl of Stradbroke.
Viscount Lifford.	Lord Somerhill.
Lord Dunsany.	Lord Churston.

The Division being equal, it is resolved in the Negative.

It is then moved, That the original Amendment be agreed to.

Objected to.—On Question:

Content.	Not Content.
Duke of Devonshire.	Earl of Devon.
Earl of Clarendon.	Viscount Lifford.
Earl of Rosse.	
Earl Grey.	
Earl of Stradbroke.	
Lord Somerhill.	
Lord Churston.	

Clause 8 is again read, with the Amendments, and agreed to.

Clause 9 is read, and is as follows; viz.:

9. The Reservations provided by this Act shall be subject as follows: **Reservations.**

I. It shall be lawful for the landlord, and others authorised by him, to enter upon the tenement at all seasonable times, to exercise all right to any royalties and franchises, or all privilege of hunting, shooting, or fishing thereon, to which he shall be legally entitled: **I. Right of entry to exercise franchises, &c.**

II. And whenever the lease shall not contain any agreement to the contrary, it shall be lawful for the landlord, and others authorised by him, to enter upon the tenement at all reasonable times to examine the condition of the same; and,— **II.**

Whenever the lease shall not contain an express agreement for the purpose, it shall not be lawful for either the landlord or the tenant, or others authorised by them, to cut any trees, or to sell or remove any minerals, stones, gravel, sand, turf, or bog timber from off the tenement, without the consent of the other in writing: **Neither landlord nor tenant to sell or remove without the consent of the other.**

But whenever the lease shall contain an express agreement for that purpose, it shall be lawful for the landlord, and others duly authorised by him, from time to time to enter upon the said tenement, and to do all acts necessary for the full exercise of any such right: **But when so agreed, a right of entry to enjoy reservation.**

Provided that the tenant shall be deemed entitled to recover reasonable compensation from the landlord for any damage which shall be done personally to the tenement or to the grass, herbage, or soil of the same, by the said landlord or others authorised by him, in exercising any of such privileges or rights: **Compensation to the tenant for any damage done in exercising such rights;**

And provided, that the landlord shall be deemed entitled to recover reasonable compensation from the tenant or any other person by whom any of such privileges or rights shall be infringed, for any damage which he shall have thereby sustained. **or to the landlord for their infringement.**

It is moved by the Earl of *Stradbroke* to leave out from "and" in line 8, to "But" in line 13. Objected to.

On Question, That the words stand part of the Clause:

Content.	Not Content.
Duke of Devonshire.	Marquess of Bath.
Earl of Clarendon.	Earl of Stradbroke.
Earl Grey.	Viscount Lifford.
Earl of Kimberley.	
Lord Somerhill.	
Lord Churston.	

It is then moved by the Marquess of *Bath* to leave out from "right," in line 16, to "And," in line 21.

Objected to.—On Question, That the words proposed to be left out stand part of the Clause:

Content.	Not Content.
Duke of Devonshire.	Marquess of Bath.
Earl of Clarendon.	Lord Dunsany.
Earl of Rosse.	
Earl Grey.	
Earl of Kimberley.	
Lord Somerhill.	
Lord Churston.	

Ordered, That the Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 25° *Junii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl Grey.
Marquess of Bath.	Earl of Stradbroke.
Earl of Devon.	Earl of Kimberley.
Earl of Clarendon.	Lord Dunsany.
Earl of Lucan.	Lord Somerhill.
Earl of Rosse.	Lord Meredyth.

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The new Clauses are again considered.

Clauses 10 to 15, both inclusive, are read, and Amendments made therein.

Clause 16 is read, and is as follows; viz.,—

PART IV.—Improvement Powers.

PART IV. IMPROVEMENT POWERS. Restrictions.

16. The powers given to proprietors by the first section of this Act to make contracts for the improvement of lands, which shall be valid though not authorised by the nature of their estates, shall extend to any of the two following classes of improvements, subject to the following restrictions as to expenditure and compensation periods applied to each:

First: Permanent Improvements. (1.) Dwelling for Tenant. (2.) Dwellings for labourers. Offices.

First Class, or Permanent Improvements:

(1.) For the erection of any new dwelling-house for the tenant on the tenement the amount shall not exceed *Three* times the annual value of the tenement; and the period shall not exceed *Thirty years:*

(2.) For the erection of any dwelling-house for labourers, the number of which shall not exceed *One* to every *Fifty acres* comprised in the tenement, and each of which shall have the several requisites specified in "The Cottier Tenant Act, Ireland, 1852;" or for the erection of any buildings not being dwellings, but as offices or out-houses, necessary for the profitable use of the tenement, the amount shall not exceed *Twice* such value; and the period shall not exceed *Twenty years.*

Repairs of dwellings or offices.

In all cases where the improvement shall be the repairs of any such dwellings or offices already built, the amount shall not exceed *One-third* of the amount; and the period shall not exceed *One-third* of the period applicable to the erection of the like buildings or offices wholly new.

Second: Transient Improvements. (3.) Boundary fences, embankments, watercourses. (4.) Reclamation of waste lands or improvement of soil.

Second Class, or Transient Improvements:

(3.) For the making or repairing of any boundary fences, or for the making of embankments against sea or river waters, or for the opening of any new watercourses, the amount shall not exceed *Twice* such value; and the period shall not exceed *Thirty* years:

(4.) For the reclamation, draining, subsoiling, manuring, or irrigating of any lands, the amount shall not exceed *Five* times the like value of so much of the lands comprised in the tenement as shall be affected by such improvements; and the period shall not exceed *Twenty* years:

Provided

Provided always, that in every case where the estate of the landlord shall consist of or exist in an interest created by a lease for a life or lives, or for years determinable with a life or lives, the compensation period shall not exceed a period calculated at the rate of *Seven* years for each life then in being; and that whenever such estate shall be for a term of years certain, or shall consist of or exist in an interest created by a lease for a term of years certain, the period shall not exceed the residue of such term of years then unexpired:

The compensation periods not to exceed certain limits where landlord's estate exists in a leasehold interest.

Provided also, that in every case in which any second or subsequent agreement shall be entered into for any of such purposes as aforesaid, the amounts to be expended shall be such that the compensation which could be claimed at any one time under all such agreements together shall not exceed the compensation which could be claimed under a single agreement for the like purposes.

The compensation under any number of agreements not to exceed what could be claimed under a single agreement.

It is moved by the Earl of *Stradbroke* to leave out " thirty," in line 24.

Objected to.—On Question, That the word proposed to be left out stand part of the Clause:

Content.	Not Content.
Duke of Devonshire.	Marquess of Bath.
Earl of Clarendon.	Earl of Lucan.
Earl of Rosse.	Earl Grey.
Earl of Kimberley.	Earl of Stradbroke.
Lord Churston.	Lord Dunsany.
Lord Meredyth.	Lord Somerhill.

The Division being equal, it is resolved in the Negative.

It is then moved by the Earl of *Lucan* to insert " Twenty," in lieu of " Thirty."

Objected to.—On Question:

Content.	Not Content.
Duke of Devonshire.	Marquess of Bath.
Earl of Clarendon.	Earl of Stradbroke.
Earl of Lucan.	
Earl of Rosse.	
Earl Grey.	
Earl of Kimberley.	
Lord Dunsany.	
Lord Somerhill.	
Lord Churston.	
Lord Meredyth.	

Ordered, That the Committee be adjourned to Friday next, One o'clock.

Die Veneris, 28° *Junii,* 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Stradbroke.
Marquess of Bath.	Earl of Kimberley.
Earl of Devon.	Lord Dunsany.
Earl of Clarendon.	Lord Somerhill.
Earl of Lucan.	Lord Churston.
Earl of Rosse.	Lord Meredyth.
Earl Grey.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The Clauses of the Bill are further considered, and Amendments made therein.

Ordered, That the Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 2° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Kimberley.
Earl of Devon.	Lord Dunsany.
Earl of Lucan.	Lord Somerhill.
Earl of Rosse.	Lord Churston.
Earl Grey.	Lord Meredyth.
Earl of Stradbroke.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witness is called in, and examined (*vide* the Evidence), viz.:—Mr. *William Steuart Trench.*

Ordered, That the Committee be adjourned to Friday next, Two o'clock.

Die Veneris, 5° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Stradbroke.
Marquess of Bath.	Earl of Kimberley.
Earl of Devon.	Lord Dunsany.
Earl of Lucan.	Lord Somerhill.
Earl of Rosse.	Lord Churston.
Earl Grey.	Lord Meredyth.

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

Order of the House of Tuesday last, That the Evidence taken before the Select Committee from time to time be printed for the use of the Members of this House, but that no copies thereof be delivered, except to the Members of the Committee, until further order, read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz.: Mr. *William Steuart Trench* (further examined); Mr. *Uniacke Ronayne Mackay.*

Ordered, That the Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 9° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Stradbroke.
Marquess of Bath.	Lord Dunsany.
Earl of Devon.	Lord Somerhill.
Earl of Clarendon.	Lord Churston.
Earl of Lucan.	Lord Meredyth.
Earl of Rosse.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz.: Mr. *William Brooke,* Master in Chancery; Mr. *Robert Russell*; Mr. *Joseph Kincaid.*

Ordered, That the Committee be adjourned to Friday next, One o'clock.

Die Veneris, 12° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl Grey.
Marquess of Bath.	Earl of Kimberley.
Earl of Devon.	Lord Dunsany.
Earl of Clarendon.	Lord Somerhill.
Earl of Lucan.	Lord Churston.
Earl of Rosse.	Lord Meredyth.

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz.: Mr. *John O'Connell Curtin*, Mr. *William Roche*, Mr. *Joseph Kincaid* (further examined), Mr. *John George MacCarthy*.

Ordered, That the Committee be adjourned to Monday next, One o'clock.

Die Lunæ, 15° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Earl of Kimberley.
Marquess of Bath.	Lord Dunsany.
Earl of Lucan.	Lord Somerhill.
Earl of Rosse.	Lord Churston.
Earl Grey.	Lord Meredyth.

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz.: Mr. *John George MacCarthy* (further examined), Mr. *Fitzherbert Filgate*.

Ordered, That the Committee be adjourned till To-morrow, One o'clock.

Die Martis, 16° *Julii*, 1867.

LORDS PRESENT:

Marquess of Bath.	Earl of Kimberley.
Earl of Clarendon.	Lord Dunsany.
Earl of Lucan.	Lord Somerhill.
Earl of Rosse.	Lord Churston.
Earl Grey.	Lord Meredyth.

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of yesterday are read.

The following Witness is called in, and examined (*vide* the Evidence), viz.: Mr. *Charles William Hamilton*.

Ordered, That the Committee be adjourned to Friday next, One o'clock.

Die Veneris, 19° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Lord Dunsany.
Earl of Rosse.	Lord Somerhill.
Earl of Stradbroke.	Lord Meredyth.
Viscount De Vesci.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

Order of the House of yesterday, adding the Viscount *De Vesci* to the Committee, read.

The following Witnesses are called in, and examined (*vide* the Evidence), viz.: Mr. *William Malcolmson*; *William Lane Joynt*, Esq., Lord Mayor of Dublin.

Ordered, That the Committee be adjourned to Wednesday next, One o'clock.

Die Mercurii, 24° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Viscount De Vesci.
Earl of Devon.	Lord Somerhill.
Earl of Lucan.	Lord Churston.
Earl of Rosse.	Lord Meredyth.
Earl of Kimberley.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The Bill, as reprinted with the Amendments, is laid before the Committee by the Chairman. The same is read, and several further Amendments are made therein.

Ordered, That the Committee be adjourned to Friday next, One o'clock.

Die Veneris, 26° *Julii*, 1867.

LORDS PRESENT:

Duke of Devonshire.	Viscount De Vesci.
Earl of Devon.	Lord Somerhill.
Earl of Clarendon.	Lord Churston.
Earl of Lucan.	Lord Meredyth.
Earl of Kimberley.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Wednesday last are read.

John Francis Maguire, Esq., a Member of the House of Commons, is examined (*vide* the Evidence).

The Bill, as reprinted with the Amendments, is further considered, and Amendments are made therein.

It is moved by the Earl of *Lucan* to insert "Provided that the sanction of the Chairman be necessary in all cases to enable a limited owner to grant leases under this Clause," at the end of Clause 7.

Objected to.—On Question, That the Amendment be agreed to:

Content.	Not Content.
Duke of Devonshire.	Earl of Clarendon.
Earl of Lucan.	Earl of Kimberley.
Viscount De Vesci.	Lord Somerhill.
Lord Churston.	Lord Meredyth.

The Division being equal, it is resolved in the Negative.

It is proposed by the Lord *Somerhill*, that Paragraph 1 of Clause 8 of the Bill as reprinted, should be omitted.

On Question, That the said paragraph stand part of the Bill:

Content.	Not Content.
Duke of Devonshire.	Earl of Lucan.
Earl of Kimberley.	Viscount De Vesci.
Lord Meredyth.	Lord Somerhill.
	Lord Churston.

Ordered, That the Committee be adjourned to Monday next, One o'clock.

Die Lunæ, 29° *Julii*, 1867.

LORDS PRESENT:

Earl of Devon.	Viscount Lifford.
Earl of Lucan.	Lord Somerhill.
Earl of Stradbroke.	Lord Westbury.
Earl of Kimberley.	Lord Meredyth.
Viscount De Vesci.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Friday last are read.

The Clauses of the Bill are again read; further Amendments are made therein, and the same, as amended, are agreed to.

The Schedules are read, and it is proposed that the same should be omitted, and that a new Schedule be inserted in lieu thereof.

The same is agreed to.

The Preamble of the Bill is again read, and agreed to, with Amendments.

The Title of the Bill is also again read, and agreed to, with Amendments.

Ordered, That the Committee be adjourned to Thursday next, One o'clock.

Die Jovis, 1° *Augusti*, 1867.

LORDS PRESENT:

Earl of Devon.	Viscount Lifford.
Earl of Lucan.	Lord Somerhill.
Earl of Stradbroke.	Lord Churston.
Earl of Kimberley.	Lord Meredyth.
Viscount De Vesci.	

The Lord SOMERHILL in the Chair.

Order of Adjournment read.

The Proceedings of the Committee of Monday last are read.

The following DRAFT REPORT is laid before the Committee by the Chairman:—

"The Committee have carefully considered the Bill referred to them; and after hearing much evidence upon the general subject of Land Tenure in Ireland, have added several Clauses, and made various alterations and amendments in its several provisions. To this evidence the Committee beg leave to direct the particular attention of your Lordships. The Witnesses were impartially chosen, and were of great experience in the management of land in Ireland, with an intimate knowledge of the condition of the agricultural classes generally.

"The evidence as to the confused and contradictory state of the existing laws is ample and complete, and the Committee have been told by an eminent legal authority that 'it always appeared to him most important, and really almost due from these great powers, the Houses of Parliament, to the poor and illiterate and the common people of Ireland, that they should have a plain and intelligible body of laws upon a matter which is vital to their interests.' The consolidation of the entire law of landlord and tenant in Ireland is, however, a task of so much difficulty, and requires so much care and deliberation, that the Committee are of opinion that it would not be possible for them, in the short time of the Session now remaining, to make the Bill so perfect as to warrant them recommending it for your Lordships' immediate adoption.

"The Committee have therefore determined to report the Bill in its present incomplete state for future consideration and amendment; and they venture to express a strong opinion that the consolidation of the law, however difficult the task may be, is one worthy of every effort which Parliament can make for its successful accomplishment.

"Upon one main principle of the Bill,—the expediency of written contracts between landlords and tenant,—the Committee found, amongst the witnesses examined an almost general feeling in its favour.

"Although the Bill is based upon a system of written contracts, the Committee did not on that account consider themselves precluded from receiving the evidence of witnesses who recommend a different and compulsory system of legislation. But the Committee have not been convinced of the expediency of departing from this fundamental principle of the Bill.

"The Committee are glad to be able to add that, with scarcely an exception, even those witnesses who recommended the more stringent course of legislation to which we have referred were entirely in favour of the Bill, so far as it goes.

"Your Lordships will find in the Report ample evidence upon other important points connected with the land tenure in Ireland; such are,—

"The mode in which written contracts between the parties might be best encouraged or enforced;

"The control over the exercise of the enlarged powers to be given to limited owners;

"The expediency of abolishing the law of distress;

"The advisability of permitting redemption after the landlord has been once put into possession under the *habere*;

"The custom of tenant right as it prevails in the Province of Ulster, and partially over other parts of Ireland;

"The prevention of waste; and many others.

"All these matters are of great importance, and have engaged the best consideration and attention of the Committee, but upon none of them do they think it necessary to remark here, except as to the law of distress, upon which the tendency of the evidence appears to the Committee to be in favour of its abolition as no longer necessary under a more simple law as to other remedies.

"Some of the witnesses were in favour of its being retained in towns, and in respect of small tenements: but the Committee are of opinion that the summary remedy for the possession as proposed by the Bill, will be more for the good of both parties, and free from the many grave objections to which distress is liable as a power in the hands of the landlord.

"As regards the important question of leases, it will be found, the Committee think, that they are not so uncommon in Ireland as it is sometimes asserted, and it appears from the evidence that a reluctance is not uncommonly shown by the tenantry to accept leases even when offered. A strong opinion, however, seems to prevail that a more extended system of leasing would be most desirable, and in this opinion the Committee fully concur. They believe that such a result would follow the passing of the present Bill.

"The Committee have added clauses to the Bill, regulating the tenure of labourers' dwellings, with a view to their improvement.

"The condition of the labouring classes in Ireland is as worthy of the serious attention of Parliament as is that of the more influential agricultural class, whose cause is more perseveringly urged; and anything which Parliament can do to improve the condition of the labourer must have an important bearing upon the general well-being of the country.

"The Committee again direct your Lordships' best attention to the entire evidence as now reported, and upon which they will not further enlarge. A correct knowledge of the present condition of the country is necessary in order to guide safely to future legislation. The assertions so often reiterated, to the effect that the tenant makes all the permanent improvements in Ireland,—that the rents are extravagantly high,—that a competition for land is encouraged by offering it to the highest bidder at the expiration of a tenancy,—

that

that evictions and changes of tenure are of frequent occurrence,—that no general improvement is taking place, and—that a bad feeling commonly exists between landlord and tenants, will probably receive correction from its perusal.

The Committee hope that, should this Bill eventually pass into a law, it will, by encouraging leases, give a greater security to the tenant, and that, by removing causes of frequent dispute and misunderstanding, it will diminish litigation, thereby fostering those feelings of confidence and goodwill which ought to subsist between parties whose interests are really identical. They further believe such a measure to be safe and practicable, and they confidently submit it for your Lordships' further consideration.

The same is read, and after Discussion, It is moved by the Earl of *Devon*, to agree to the following DRAFT REPORT, in lieu of that proposed by the Chairman, viz. :—

"That the Committee have, so far as time has permitted, carefully considered the Bill referred to them, and have heard much and important evidence as well with reference to it as to the general subject of land tenure in Ireland. To this evidence the Committee beg leave to direct the particular attention of your Lordships. The witnesses were impartially chosen, and combined much experience in the management of land, with an intimate knowledge of the condition generally of the agricultural classes.

"The subject-matter of the Bill is, however, of so much complexity and difficulty, that they are of opinion that it is not possible for them, in the short period of the Session now remaining, to make such progress in it as to warrant them in recommending it at present for your Lordships' adoption. The Committee have therefore determined to report the evidence, together with the Bill in its necessarily incomplete state, and to recommend that the Committee be re-appointed at as early a period of next Session as practicable, for the purpose of further considering it.

"The Committee have ordered the said Bill to be reported to your Lordships, with some amendments, and have directed the Minutes of Evidence taken before them to be laid before your Lordships."

The same is read, and agreed to. (*Vide* the Report.)

Ordered, That the Lord in the Chair do make the said Report to the House, and do also report the Bill, with the Amendments.

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LORDS PRESENT:

Duke of DEVONSHIRE.	Earl of KIMBERLEY.
Earl of DEVON.	Lord DUNSANY.
Earl of LUCAN.	Lord SOMERHILL.
Earl of ROSSE.	Lord CHURSTON.
Earl GREY.	Lord MEREDYTH.
Earl of STRADBROKE.	

THE LORD SOMERHILL, IN THE CHAIR.

Mr. WILLIAM STEUART TRENCH, is called in; and Examined, as follows.

1. *Chairman.*] You are extensively connected with the management of land in Ireland, I believe?
Yes.

2. You are acquainted with different parts of Ireland, and, I believe, have connection with property in various counties; perhaps you will state the counties with which you are more particularly acquainted, of which the county of Kerry, I think, is one?
The county of Monaghan, the county of Kerry, the King's County, and the Queen's County.

3. In your professional business, does it occur to you that the law of the landlord and tenant requires consolidation and alteration?
Yes, I consider that it requires consolidation very much, and also, in many particulars, alteration.

4. Do you object to the principles on which the law in general rests and is administered, or is it more in detail that you think it should be altered?
I consider that it is rather in detail that it should be altered, than in principle.

5. You do not see any special reason for altering the general principles regulating land tenure in the United Kingdom?
No, not the general principles.

6. You are aware that the main principle of the Bill before us is, that all agreements between landlord and tenant should be made by written contracts?
I am aware of that.

7. Do you think that that is practicable and desirable?
I think it is both practicable and desirable.

8. Is that principle at present acted on extensively in the different parts of Ireland with which you are acquainted; perhaps you would, in the first instance, confine your answer to the north; in the north of Ireland, where tenant right prevails, are there written contracts generally?
No; I consider that neither in the north, south, nor midland parts of Ireland

Mr. *W. S. Trench.*

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is the principle of written contracts usually adopted. At the same time, there are many estates on which it is adopted.

9. Do you consider that it is desirable that it should be adopted in the north of Ireland?

I think it most desirable; and I think it is from the absence of written contracts that a great deal of the present difficulties of the land tenure of Ireland has arisen.

10. Which party do you suppose would be most desirous, or which would object most, to anything approaching to compulsion for written contracts in the north of Ireland; would it be more agreeable to the landlords or to the tenants?

I think written contracts would be more agreeable to the landowners in the north than to the tenants.

11. Lord *Churston.*] The question was as to compulsion?

Yes, I mean making it compulsory.

12. *Chairman.*] When you say "compulsory," you do not mean positively compulsory, I presume, but so advantageous that it would amount in practice to compulsion?

Precisely.

13. Will you state what would be the advantages resulting from it, and whether you think that practically it would be advantageous to the tenant in the north, although he may not be inclined towards it?

In doing so, perhaps I ought to give some general description of what the northern tenant right is.

14. If you please?

The subject is a difficult and complicated one, and the practice varies in different districts; in many parts of the north of Ireland with which I am acquainted the practice is as follows: A tenant falling into arrear, or becoming bankrupt, usually comes to the landlord or the agent of the estate, announces his intention of leaving it, and asks permission to dispose of the good-will of his farm; this is always granted under ordinary circumstances on estates where tenant right prevails, but a condition is usually annexed that a proper person as tenant should come forward to succeed him, such as from pecuniary circumstances, and general good character, will meet with the approval of the agent. If the holding be small, the agent generally wishes that a preference should be given to an adjoining tenant, and a consolidation thus effected; if the farm be reasonably large, and such as in the opinion of the agent is fit for the occupation of the class of tenants prevailing in the district, the outgoing tenant is left at liberty to select his own successor, and in due time he is produced before the agent, and if he be a man of known good character and means, he is generally accepted as the new tenant and his name entered in the books. The amount of money given for good-will to the outgoing tenant varies in different districts; when there is much competition, the sum varies from 10*l.* to 20*l.* per Irish acre; in the district with which I am best acquainted it varies from 6*l.* to 12*l.* per Irish acre, the larger sum being always given in proportion as the quantity of land to be disposed of is small; the practical nature of the transaction and the application of the money is usually managed thus: The new tenant having been produced and approved of, and having been made to understand the rent and conditions on which he becomes tenant, lays down the money agreed on between him and the outgoing tenant; the arrear due to the landlord is in the first instance, by the universal consent of all parties, paid up out of it, and then the balance is handed, in presence of all concerned, to the outgoing tenant, who does with it what he pleases; possession is taken by the bailiff of the estate from one party and handed to the other; the agreement is signed in the minute book by the incoming tenant, and the transaction is completed. Of course the details of the arrangements vary on different estates; in some cases the agent obtains a list of all the creditors of the outgoing tenant, and when all claims are recorded, he holds as it were a little Insolvent Court; and having first cleared the landlord's rent in full, he distributes, with the consent of all parties concerned, the remainder of the money equally amongst the creditors at so many shillings in the pound,

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pound, as far as the money will go. This used formerly to be a very general practice, and continues on some estates, but it has been found difficult and troublesome, and likely to lead to lawsuits in cases where there are leases. There is no doubt that the system of tenant right as I have described it has both advantages and disadvantages: the advantages are mainly threefold; first, it gives great satisfaction to the tenantry and is universally approved of by them as well by the buyers as the sellers of tenant right; secondly, under this system, the landlord rarely loses any arrears whatever. Insolvent arrear is in fact almost practically unknown upon an estate where tenant right prevails, because by consent of all parties the landlord's rent is paid in full in the first instance out of the good-will money; and, thirdly, wherever tenant right prevails, and good-will money is paid, there are rarely any agrarian outrages. This of course follows from what was stated as the first advantage. It is a curious fact that tenant right prevails, and large sums of money are constantly given where the estate is rented to what may fairly be considered as the full letting value of the land. On one large estate with which I am particularly acquainted, a new valuation has recently been made, no alteration having taken place in the rents in general for a period of 30 years. By this valuation, most of the rents have been raised to a fair letting value, and yet scarcely any appreciable difference has been made in the purchase money, which still continues to be given by the incoming to the outgoing tenant, although the new and increased rent has in all such cases been agreed to by the incoming tenant. It is a great and prevalent mistake to suppose that this good-will money is paid for any improvements made or supposed to be made by the outgoing tenant on the land or premises which he is about to surrender. Indeed, it very rarely happens that an improving or industrious tenant leaves the estates with which I am best acquainted. I have no present recollection of any such case having taken place for many years past, except in two or three peculiar cases. The outgoing tenant is almost always a bankrupt, insolvent, and ruined man, who has usually made a protracted struggle to retain his farm, and during this struggle has let his house and premises run into utter disrepair, whilst his farm is injured to the last degree by overcropping. In fact, the land is seldom given up until it is incapable of yielding anything, unless renewed plenteously with manure. It may fairly be asked, under those circumstances, what is the good-will money or tenant right paid for? I answer simply for the possession of the land. Some neighbour has thriven, and made money by greater skill and more industrious habits, and being anxious for an increased bit of land to "induster" upon (as their own phrase is), and by which he hopes to raise himself and mend his means, he will strain every nerve to buy such whenever an opportunity offers. As to improvements, there are very rarely any on a farm so circumstanced. The disadvantages of the system are mainly threefold; first, it is not what can be termed a business mode of carrying on transactions as between landlord and tenant. It seems absurd to say that land is let at its fair value, where men are willing to pay 10*l.* per acre for the good-will; and no doubt the rent might be raised so high as to do away with any tenant-right interest whatever. During the famine years of 1848, and even up to 1852, the tenant-right interest in the north of Ireland was in many cases greatly reduced, and in some it ceased altogether. With returning prosperity it has appeared again, and though I do not think it has ever reached the extravagant height it had attained to before, yet the apparent contradiction of a fair rent, and tenant right besides, paid not for improvements but for the mere possession of land, still exists amongst the many other contradictions of Ireland; secondly, it prevents a proprietor from having that complete control over his property which he might naturally wish to have, inasmuch as if he wanted to take up all the land, or any portion of it, into his own hands, he would have to pay the outgoing tenant for dispossessing him, or break through a rule he had himself sanctioned; thirdly, it sometimes induces tenant farmers to run into debt to get possession of land, and reduces the capital they may have accumulated for the management of the land already in their hands. This, however, does not happen so often as is generally supposed, provided the agent makes a proper selection of the tenant. It may be a difficult point to determine whether or not the advantages counterbalance the disadvantages; I have often, I confess,

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fess, great doubts upon this point; as a mere money question, I am decidedly of opinion that tenant right is practically in favour of the landlord. The almost total absence of losses by arrears or insolvency is a very important item. At the same time the feelings of a proprietor must naturally be against the necessity of purchasing again his own property, should he require it for his own use. This, however, so rarely happens to any large extent, that it is rather a question of feeling than of actual practical loss; as a money question, the absence of loss by insolvency would, in 9 cases out of 10, more than cover the compensation for any surrender of land he might require. The question must in a great degree depend on the feeling of each proprietor; some landlords have recently attempted to abolish tenant right on their estates altogether; but I have not heard of its being practically successful where it had for any long previous period prevailed. I am aware that the landlord very often declares that he does not sanction it; that he is not supposed to know anything about it; but, at the same time, he finds the arrears, some way or other, cleared off and paid whenever a change of tenancy occurs. He pretends, as it were, to know nothing of how this is managed; he pockets the money produced by tenant right, but still maintains that he does not acknowledge the system. This, I think, is scarcely fair; it should either be boldly acknowledged, as it is on most northern estates, or decidedly opposed, and no arrear or other money should be allowed to be paid by the incoming tenant, either to the landlord in the shape of arrears or to the outgoing tenant. The system has been of long standing; it has wound itself up with the feelings of the people, who consider it just and fair, and to break through it roughly or suddenly, without full previous notice given, would be both difficult and injudicious.

15. Do you think that the tenant right could be well enforced by statute?
No, certainly not.

16. You would not recommend that any law recognising it, either by written agreement or otherwise, should be passed?
Certainly not.

17. You are not aware, are you, of any case in which it has been recognised by any Court of any class in Ireland?
I am not.

18. You were about to say something, I think, upon the origin of this custom of tenant right; perhaps you would state your opinion upon that?
The origin of the northern tenant-right system has been very much disputed; some believe it to have had a political as well as a social origin, and connect it with the plantation of Ulster; but it frequently exists in full force where no plantation ever occurred; and in some districts a far simpler explanation may be offered. In one barony with which I am particularly acquainted, a plain and palpable origin may be shown. This barony, in the year 1576, about 300 years ago, was a wild and almost unenclosed alder-plain. The inhabitants were very few, and industrial pursuits were almost wholly unattended to. In the year 1606 the whole barony was let for a rent of 250 *l.*, payable in Dublin. In a few years after, when a more secure state of things was established, it was let for 1,500 *l.* per annum. Shortly after this, it rose to 2,022 *l.* per annum; and in 1692 it was carefully valued at 2,626 *l.* per annum. In 1769 the barony was valued at 8,000 *l.* per annum; and now, just 100 years later, it is valued by the Ordnance Survey at 54,883 *l.* per annum.

19. Probably the actual letting is above that valuation?
It happens to be within a few pounds of the present letting; but it has not been raised for 30 years. No doubt the rise in the price of produce, and the value of land, has done much in causing this increase. But the main cause, beyond all question, is that the barony has increased enormously and rapidly in population, and in consequent necessity for cultivation. In 1633 there were only 38 tenants acknowledged in the barony; and though I believe there were a considerable number of under tenants, yet the population must have been very small; in 1841 there were upwards of 8,000 tenants, and the population amounted to 44,000 persons. In fact, a human being for every Irish acre of land. This vast population, driven to extremities to support themselves, gradually converted by their own labour the land of the barony from being a waste,

waste, unenclosed alder-plain, into one of the most cultivated districts in Ireland, well-enclosed and arable land, whilst scarcely an acre of reclaimable land now lies unreclaimed. But though tenant right may thus, in some cases, be accounted for, it is by no means reasonable, in my mind, that it should always be retained and handed down from father to son, long after a full and sufficient time has elapsed for the tenant or his successors to recoup or repay himself out of the land. In the barony to which I allude, scarcely any change has been made in the rents; and no material increase has taken place for full 30 years, whilst at the same time very little land has been reclaimed by the tenantry since the year 1846; in fact, very little remains to be reclaimed. In most instances the tenant has had the full and undisturbed enjoyment of the improvements made by himself or his forefathers for full 30 years, and yet tenant right prevails, and he continues to sell his interest as freshly as if he had only the year before effected some important improvements.

20. In the beginning of your answer with regard to tenant right, you mentioned that it is usual, in practice, for the tenant to come to the landlord, or his agent, upon the subject if he is in arrear or insolvent?
Yes.

21. Has your experience of late years shown you many cases in which tenants have given up their land, not being in arrear and not being insolvent?
I do not recollect any except two or three cases having come before me.

22. Do you mean two or three cases in any of the estates in any part of Ireland?
Yes, in any of the estates.

23. Earl of *Stradbroke.*] Do you mean where tenant right prevails or in the whole of Ireland?
No, in the whole of the district with which I am particularly acquainted; in the estates of which I have the management.

24. You only know of two or three cases where tenants who were not insolvent, and who were not distressed, have given up their farms from a desire to go away; is that what you state?
Yes, I do not recollect more; it scarcely ever happens.

25. *Chairman.*] You mentioned that the landlord received the balance of arrears; would you add to that any charge made upon the tenant for dilapidations in any case?
No, I never knew that charged.

26. As far as your experience goes, are improvements made generally by landlords or by tenants; does that vary in the different parts of Ireland with which you are acquainted, or is it tolerably uniform?
As far as my experience and observation go, not only upon the estates of which I have myself the management, but also in Ireland generally, improvements are not being very generally done now by the tenantry; in general they are done now by the landlord.

27. I suppose you have known and seen many cases in which they are done jointly?
I have seen a great many cases of that kind; and I think in general they are done jointly; but since the great agitation about tenant right has arisen, I think that has stopped very much the improvements to that used to take place by the tenants themselves.

28. Earl *Grey.*] Do you think that it would be advisable or prudent to allow tenants to make improvements according to their own judgment, and without express permission of the landlord or agent, and then charge the amount of those improvements upon the landlord in case their tenancy terminated?
I do not think there could be a more injurious Act passed, for several reasons. In the first instance, I think it would cause an immediate serious disagreement between the landlord and the tenant, and I think in many cases any tenant proposing to do that would be met in the very first instance by the landlord with a notice to quit.

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29. You think that if that course was followed when a notice to quit was given, there would be likely to be litigation and dispute upon the question of the improvements?
Beyond question.

30. Lord *Meredyth.*] Although the tenant-right system is not, so to say, recognised in other parts of Ireland than the north, do you know of any instances where permission is given by the landlord to the tenant to sell his interest to another tenant?
Yes; tenant right, I might say to the full extent of the northern system, has been always permitted upon Lord Lansdowne's estate in the county of Kerry.

31. In a general way, would you say that it exists on other estates also?
Certainly it does.

32. Earl of *Stradbroke.*] To a great or to a small extent?
To various extents. The exact system which I have described as existing in the north does not usually prevail, but it exists to a great extent in various districts in Ireland.

33. Lord *Meredyth.*] To an increasing extent, do you think?
No; decidedly to a diminishing extent.

34. *Chairman.*] Has it come under your observation or knowledge, that tenants, if not closely watched, will so far exercise that tenant right as to sell patches of their land to one another, either for a year's crop or two years', or will mortgage them, and thus practically establish a branch of tenant right which a landlord would never recognise?
It is very constantly attempted, and it is extremely difficult to prevent.

35. Earl of *Kimberley.*] Where tenant right exists in the other provinces of Ireland, not Ulster, do you think it has produced improvement, or otherwise, in the cultivation of the estates?
I am not accurately acquainted with it on any estate except one, and on that I should say that it has rather been of advantage in causing a more extensive cultivation of the estate than would otherwise have taken place; but I should add, that the improvements executed by the tenants have very nearly ceased for from 17 to 18 years; since the famine, in fact.

36. Earl *Grey.*] Do you find that the existence of the custom of tenant right leads to disputes between landlord and tenant in the cases where the landlord thinks the rent ought to be raised?
I have never known it do so.

37. In the gradual progress of the country, of course the value of land rises; is not it, then, somewhat difficult to determine how much the landlord may raise his rent without infringing upon the property which the tenant has in the tenant right?
There is no question of that; and it is what I stated a little while ago, as one of those apparent contradictions which it is very difficult to reconcile in Ireland.

38. Particularly in the case of land becoming more valuable and an increase of rents taking place, does not it lead to a difficulty, in that case, between the landlord and the tenant?
I have never known any practical difficulty arise, but it is very capable of causing it.

39. It is the existence of a right which cannot be enforced by law and which must therefore in cases of disputes be very difficult to adjust between the parties?
No doubt of it. But I have never known the rents raised to such an extent that the value of tenant right was altogether obliterated.

40. Any raising of the rents must, to a certain extent, diminish the value of the tenant right, must it not?
Theoretically, it must, and perhaps I might also add, practically; but to so unimportant an extent, that I have never known any difficulty arise from it.

41. *Chairman.*] When you gave your late answer with reference to the effect of improvements, had you more in your mind improvements of land, such as reclamation

reclamation of land, which you had alluded to not long back, or the erecting of farm buildings and houses?

What I have alluded to now has been exclusively the improvement of land, not of houses.

42. How do you think that tenant right, or the absence of tenant right, acts in the way of the improvement of houses?

I think that the northern tenant right, as it was established, had formerly a tendency to make people improve their buildings, but I think that that has very much ceased since the recent agitation has taken place about tenant right, and that the tenant right, which was the practice in the north, and in which they allowed advantages to be given which could not be allowed by law, now that it is likely to be reduced to law is, as a system, gradually disappearing.

43. In your observations, I apprehend you find, that throughout Ireland generally, in all parts of the country, the habitations of the tenantry of all classes have improved of late years; is not that so?

Certainly.

44. With respect to the houses so improved, do you think that the landlord in most cases agreed, or gave his consent or his assistance, or did the tenant make the improvement relying upon his tenancy where he had no lease, or upon his lease where he had a lease?

In most cases that have come under my own observation, it has been either done entirely by the landlord, or jointly by the landlord and tenant, for many years past.

45. Earl of *Stradbroke.*] In the south of Ireland, will the agent sometimes, unknown to the landlord, permit an incoming tenant to pay up arrears of rent due to the landlord, for the purpose of keeping down arrears which might be supposed to be consequent upon his neglect?

I cannot say that he does it unknown to the landlord, but it is frequently done, and indeed very generally done, where tenant right prevails.

46. I am speaking of the south of Ireland?

It is the south of Ireland I am alluding to.

47. Lord *Meredyth.*] In the north of Ireland, where the tenant right is, so to say, a recognised custom, the arrears due to the landlord are always recovered from the incoming tenant, and the landlord loses nothing; but, as far as you know, is that the case in the south of Ireland also?

Certainly not, where tenant right does not prevail.

48. That is to say, the landlord gives the tenant leave to sell his interest in the farm, foregoing, at the same time, his arrears of rent?

No; wherever the landlord gives leave to the tenant to sell any interest in his farm, and where any money can be obtained for it, the arrear is invariably, as far as my information and knowledge go, paid up in the first instance out of the produce of the tenant right.

49. By the incoming tenant?

Yes; or I should rather say, by the outgoing tenant, who hands so much back to clear off his arrears.

50. Do you know of instances where the landlord allows the tenant to sell his interest in the farm and loses his arrears?

No, not as a general rule. Such an instance of charity may occasionally take place, but not as a general rule.

51. Earl of *Devon.*] In the cases in the south of Ireland of which you speak, in which this qualified tenant right has existed, is it the practice that the agent should, in all cases, exercise a choice, and impose a veto if necessary, upon the incoming tenant, and limit the sum to be paid by the incoming to the outgoing tenant.

That raises two distinct questions. The agent invariably does make or ought to make a very particular selection of the incoming tenant. He sometimes does and sometimes does not limit the amount that is to be given by the incoming tenant. If he thinks it is an absurd sum (I am alluding to those cases in which tenant right has been admitted), he puts a check upon it, and says, "I cannot

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allow such a thing to be done;" but in the ordinary custom of the country he does not interfere with the amount.

52. Should you not consider a compliance with these two conditions of essential importance if tenant right is to continue: namely, that the sum should be limited within reasonable bounds, and that the landlord or his agent should have some choice as to the tenant who is to come in?

The choice of the tenant is absolutely necessary.

53. Is not the limiting of the sum also important on the ground you alluded to just now, namely, that otherwise the incoming tenant expends upon the purchase of the tenant right money which ought to be devoted to the improvement of the farm?

It depends upon the capital which the incoming tenant has. I should say that where an absurdly large sum is given the best thing the landlord could do would be to raise the rent of the farm.

54–5. Earl of *Lucan.*] You manage estates in various parts of Ireland, do you not?

Yes.

56. You are of course aware of what is called the Ordnance value, or the Government value of property?

Yes, perfectly.

57. In the north of Ireland, where a large sum has been paid for good-will, is the rent generally much below the Ordnance value, or is it above it?

In most cases that have come across my observation in the north of Ireland, the rent is generally either equal to the Ordnance valuation or 10 per cent. above it. In my opinion it can very fairly be put 10 per cent. above it. But I should mention to you that the recent valuation of the north of Ireland was conducted upon a different scale from the valuation of the midland and south of Ireland, and an Act of Parliament is now about to be brought in by Sir Richard Griffith, to equalize the valuations of the north and the south of Ireland as a question of public taxation.

58. Do you mean that the valuation in the north of Ireland is on a lower scale than that in the south?

It is on a higher scale; in many parts of Limerick the rents are fully double the Ordnance valuation; they might fairly be so.

59. And the rental of Ireland is rather higher than lower than the Government valuation?

I should say so; but I have not taken accurate statistics of this.

60. Therefore it may be supposed that the tenant is paying the landlord the full value of the land, notwithstanding the large sum which he may have paid for tenant right, or for good-will on entering?

I cannot deny that; I have a little while ago stated that as one of the contradictions in Ireland which I feel a difficulty in reconciling; in fact, I volunteered that difficulty before I was questioned upon it.

61. Therefore, in point of fact, the landlord suffers no loss whatever from tenant right?

From the northern tenant right, I cannot say that he would suffer no loss, because I stated also that he could raise his rents to such a height as absolutely to do away with tenant right; but at the same time it would be universally considered in the country that he was asking beyond the value of the land in that case.

62. I understood you to say that the landlord's rent at this moment was equal to the Government valuation?

It is a little above it.

63. Then the landlord is actually in receipt of the full value of his land in the north of Ireland, as he would be in any other part of the country where no tenant right exists?

Yes.

64. Duke

64. Duke of *Devonshire.*] The rents are decidedly not lower where tenant right is recognised than where no such practice exists, are they?
I think not; I think the land in the north of Ireland with which I am acquainted is let higher at this moment in proportion to its intrinsic value, notwithstanding the tenant right which exists there, than the land in other counties which I have to deal with, and therefore I use the expression "the fair value."

65. When a tenant has paid a large sum for tenant right, he must obtain a less return for his capital than where he has not paid that sum?
Certainly.

66. *Chairman.*] With respect to the valuation in the south of Ireland and in the centre of Ireland, is not the Government valuation there much below the rent?
Decidedly.

67. Has not it come under your own observation that it is unequal in this way, that the good lands are not valued so highly in proportion to the inferior portions of land?
Such is my experience, beyond question.

68. That is the case to a very considerable degree, I believe?
Yes.

69. Earl *Grey.*] I think you said that you deprecated any attempt to put an end to tenant right; you think that it would be injurious by legislation to put an end to it?
I do not see how legislation could put an end to it.

70. And you do not think that it is desirable that it should be attempted?
No, I do not think so; you cannot limit, and you would not attempt to limit, what any man chooses to give for any article he may purchase.

71. On the other hand, do you think that it would be prudent to attempt by legislation to make the right clearer, and to define the rights of the parties; or would it be more prudent to leave it, as it is, to a voluntary agreement between them?
I do not think it would be well to legalise the northern tenant right; there might be advantages in doing so with regard to some details as between the landlord and tenant; but to attempt to legalise the northern tenant right, which has hitherto been voluntary, in my mind would be most injudicious.

72. Do you think that the tendency of gradually establishing a system of letting land under written agreements would be by degrees to put an end to the system of tenant right, or not?
I think it would have that tendency very decidedly.

73. And you do not object to that tendency?
No.

74. Earl of *Kimberley.*] Looking to the admitted fact that the province of Ulster is in a more prosperous and peaceful state generally than the rest of Ireland, do you think that the better condition of that province may be fairly ascribed to the present prevalence of tenant right there, or do you think that it may be accounted for by other causes?
I think it may be partly accounted for by the tenant right alone; but I would make a great distinction between the voluntary tenant right which exists there and a compulsory tenant right. I think very strongly, however, that there are other causes which influence it.

75. But you think that the existence of tenant right there has some effect in producing the present state of things?
I do; the absence of agrarian outrages.

76. If that be so, would not that be an argument in favour of the extension of the tenant right of Ulster to the rest of Ireland?
No; because the moment you attempt to legalize tenant right and to force the landlord to comply with what he may, perhaps, admit or not admit, that instant he objects, and says he cannot have it passed into a law.

 77. I did

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77. I did not mean to imply that it should be made compulsory; I meant to ask, would it not be undesirable that any legislation should take place which would have a tendency to prevent the extension of the Ulster system of tenant right to the rest of Ireland?

I think that the Ulster system of tenant right as it now exists is based upon incorrect principles, and therefore I believe it will of itself by degrees disappear.

78. Should you think that a misfortune?

I think it would be better, on the whole, if there was no tenant right at all; because, although temporarily, in the present position of Ireland, it certainly does prevent those agrarian outrages and attacks, it is not the proper business arrangement which should take place between landlord and tenant; it is not a proper system of contract.

79. *Chairman.*] But, as a fact, has it prevented very serious outrages from occurring in the north of Ireland?

It has not absolutely prevented them; my expression was that it had a tendency to prevent agrarian outrages.

80. But it does not prevent the same feeling in case a landlord wishes to take up his land himself when a tenant is not in arrear or not inclined to give up the land, as is occasioned in other parts of Ireland?

Certainly not; there would be a strong feeling if he attempted to do anything of the kind.

81. There would be just the same feeling as in other parts of Ireland?

It would be much stronger.

82. Earl of *Stradbroke.*] As a rule, are the farmers in Ulster more skilful and industrious than the farmers in the south of Ireland; would you in that way account for their being able to pay a higher proportionate rent?

I think they are more hard working, but I do not think they have more skill.

83. Duke of *Devonshire.*] You would not say that the land in the north of Ireland is better farmed, on the whole, than the land in the south?

The north of Ireland and south of Ireland are very wide districts.

84. I mean where tenant right prevails?

No, I should say not.

85. Are there any extensive districts in the north of Ireland where tenant right does not prevail?

I am not acquainted with them.

86. *Chairman.*] Generally speaking, where tenant right prevails in the north of Ireland, is the land more subdivided than it is in the centre or west of Ireland?

Certainly it is more subdivided. I think the great price that is given is, as I stated before, in consequence of the smallness of the holdings and the desire to increase those holdings by the tenants; they are most anxious to grasp at anything they can to increase the small holdings which they have, and the price arises from the competition in consequence of the number of tenements.

87. It would be in accordance with the practice in many parts of Ireland if the landlord, so far as he could, selected a tenant whose land adjoined that of an outgoing tenant as the purchaser; does that take place, and is there a consolidation of farms going on in in the north to the same extent as there is in other parts of Ireland?

There is a very decided tendency to consolidation unceasingly going on in the north as well as in other parts of Ireland.

88. Earl of *Kimberley.*] Has not the tenant-right system, as it exists in Ulster, a tendency to prevent the landlord from making changes as to the tenants upon his property?

Yes, certainly.

89. Is

89. Is not it therefore regarded to a certain extent as a security for tenure by the tenants?
Yes, I should say it was.

90. May not that, in point of fact, account for their giving considerable sums of money for the goodwill of farms which are let there?
To a certain extent, no doubt.

91. Lord *Meredyth.*] Are you acquainted with the county of Donegal?
I am not well acquainted with it; but I know that in that district sometimes immense prices are given for tenant right.

92. Are you not aware that in the county of Donegal tenant right is exercised to its fullest extent?
I have always heard that it was, especially on some estates that I am partially acquainted with.

93. Do you know that it is one of the most backward counties in Ireland as regards agricultural improvement?
I believe it is about the most backward county in Ireland, from all I have heard. I have not traversed it.

94. Do you know that it has been rather prominent of late years as regards agrarian outrages and disturbances?
Certainly it has been remarkably prominent in that way of late.

95. Earl of *Kimberley.*] Were not those agrarian outrages principally caused by a disregard of the tenant right?
I am not aware of the exact circumstances by which they were caused.

96. Do you know at all what circumstances they were caused by?
I have heard that the reason they were caused was, because a gentleman's steward was murdered, and he said if the murder was not found out, he would put out a number of persons who he believed had a knowledge of the intention of the murder.

97. *Chairman.*] I wish now to go rather to the other part of Ireland; do you think that in most parts of Ireland, particularly in the middle and south of Ireland, it would be desirable that all contracts between landlord and tenant should be recorded in writing?
Certainly.

98. Would you make any exception to that rule whatever?
I would not.

99. You think it would be feasible, and not in the long run inconvenient, if every contract was reduced to writing?
I think it would be both feasible and advantageous.

100. Do you suppose that it would put an end to the litigation which is frequent, I am afraid, in the superior courts, as well as in the quarter sessions courts, between the landlord and tenant in Ireland?
I cannot say that. There has been very little litigation that has come across my experience.

101. Lord *Dunsany.*] With respect to the Ordnance valuation, if you are purchasing property, would it not be safe to assume that, as a general rule, the Ordnance valuation is about 30 per cent. under the actual value of the land?
I should say that 30 per cent. would be a fair rule with regard to most of the ordinary lands in Ireland.

102. I do not speak of the north; excluding the north, would that be true as a general rule?
It would be true as a general rule, except in very good lands, where I think it is more than that.

103. With regard to the improvements being made by the tenant, and not by the landlord, would it be true in the English sense, that the Irish landlord makes the improvement; I mean to say as landlords' and tenants' improve-

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ments are understood in England, would it be true to say that in Ireland the tenant makes the improvement?

Certainly not now, in my judgment.

104. And if in some cases he does make the improvement, is it your impression that he holds the land proportionably cheap?

Yes.

105–6. Respecting the difference in the condition of the people in the north and south, will not the manufactures of the north go very far to explain why the north is prosperous and contented, while the south is not?

Certainly; and I think it is the chief reason.

107. Would you say that tenant right, taking the whole area of Ireland, is spreading?

Decidedly the reverse.

108. From your own knowledge of different estates in different parts of the country, where should you expect to find most improvements, in tenant right districts or in other districts?

I should say now in districts where there is not tenant right, because I think that the landlords are now coming out much more liberally to improve their own estates than they did in old times.

109. *Chairman.*] I apprehend that there is a considerable difference in that respect, which commenced after the famine had taken place, and the Encumbered Estates Court had been established, which change has gone on gradually increasing; I refer to the difference with respect to the landlord making the improvements instead of the tenant?

It has gone on rapidly increasing.

110. And the class of house which is now built by any person who deserves the appellation of a farmer, being of a higher class, he seldom constructs such a house without conferring upon the subject with the landlord or his agent; is that so?

Very rarely indeed; I know of no instance of it on those estates I manage.

111. Earl *Grey.*] Has much improvement been executed in Ireland by means of money raised under the various Acts authorising the Lands Improvement Company to advance money.

That has been the case very largely indeed. I have myself superintended improvements to the extent of upwards of 150,000 *l.*, executed under the Government Land Improvement Act.

112. In those cases does the landlord generally charge to the tenant the amount of the rent-charge which is imposed upon the land under those Acts?

In general, where I have seen it, he has not charged the full amount, but he sometimes does. It depends upon circumstances whether he charges the full amount, or whether he charges only a per-centage.

113. In general, in Ireland, in what period are these loans made repayable?

In 22 ½ years.

114. That is only the money borrowed from the Government, is it?

That is the money borrowed from the Government.

115. With respect to the money borrowed from private companies, there is a longer period, is not there?

I am not aware of any such private company lending money in Ireland.

116. The sum that was granted by Parliament for advances to landowners is almost exhausted, is not it?

I believe not; there is no difficulty in obtaining it at any time.

117. *Chairman.*]

117. *Chairman.*] But there is a limit imposed, is not there, upon every landlord as to the amount of public money that will be lent to him?

Yes, there is of course a limit; I have never known that limit quite come up to; but the greatest amount they lend by one particular instalment is 500 *l.*

118. There is a limit which I believe has been extended of late years to 8,000 *l.* to a landlord?

I am not aware of that fact; it has not come before me.

119. You are not aware that there is, or that there was soon after this money was first voted for loans, a limit imposed to the amount which any landlord might borrow?

I was not aware that there was a limit; it never came before me.

120. Earl of *Lucan.*] Are you not aware that sums of 20,000 *l.* have been advanced by the Board of Works?

I am not aware of 20,000 *l.* having been advanced, but I am aware of 15,000 *l.* having been advanced.

121. Earl of *Kimberley.*] You said that you thought upon the whole that it would be desirable that the agreements between landlords and tenants throughout Ireland should be in writing?

Yes.

122. Have you seen the provision which is suggested in the Bill that is before the Committee?

I only got the Bill late yesterday, and I had not time accurately to study it, but I did go through a great many of the provisions.

123. Did you read that part of the Bill which provides that the landlord shall have no power to recover rent where the land is not held under a written contract for more than two years after the passing of the Act?

I did.

124. Do you think that there would be any serious difficulty in the north of Ireland in inducing the tenants generally to sign written contracts?

I think there would be some difficulty.

125. Do you think that the difficulty would be sufficiently serious to make it unwise to pass such a provision as this?

It is very difficult to give a precise opinion upon that. I have considered the subject very much, and I have found a considerable difficulty in forming a decided opinion, but I am inclined to think that there would be no real practical difficulty in it.

126. You think that, upon the whole, a landlord would not be placed in a position of serious hardship, by being called upon to make such bargains with his tenants?

If there was a decided and general combination amongst the tenantry not to sign, in that case he would.

127. From your experience, do you think that such a combination would be likely?

I do not.

128. Upon the whole, then, you think it would be a practicable measure within two years to substitute throughout Ireland written contracts for the present unwritten contracts, wherever they exist?

It depends upon the penalty for the non-performance of it; I presume the penalty would be what your Lordship has just described.

129. The penalty being that no rent should be recoverable?

I think it is a somewhat doubtful point, but I think myself at the same time that there would be no practical difficulty. The penalty you mention might be too severe.

130. Earl of *Stradbroke.*] Do you think that an interest charge which would pay off the capital sum lent in 22½ years is preferable to a lower interest continued for a longer period?

I am inclined to think that the present system is better.

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131. That is, to pay it off in 22½ years?
Yes.

132. *Chairman.*] I apprehend that a written contract in the south of Ireland, say, for example, a written contract with a tenant of land let from year to year would not necessarily be inconsistent with the practice of tenant right?
No, not necessarily.

133. It would only be recording the same right which the landlord has now of ejecting the tenant at a certain period, be that period a year or 20 years?
On Lord Lansdowne's estate written contracts have existed for the last 10 years, and it has not altered the position with regard to tenant right in the least degree.

134. You have reason to believe, have you not, that that is the same on other estates?
There are very few estates in the south in which tenant right has prevailed.

135. Are there not, in the centre of Ireland, estates within your knowledge where it is partially admitted?
No; I know a large number of estates in the central part of Ireland, and those in the most thriving districts, and I am not aware that tenant right is admitted at all.

136. Are those estates, in your opinion, as thriving as others in which it is admitted?
I think more so; more improvements are going on there decidedly, but then they are chiefly executed by the landlord.

137. Earl *Grey.*] Do you think that large improvements, like draining, are better when executed by the landlord or by the tenant?
Beyond question by the landlord.

138. You think that it is a better way of effecting those improvements that they should be done by the landlord charging a per-centage to the tenant, than that they should be done by the tenant?
Beyond all question.

139. They are more effectually and more durably done?
Certainly.

140. Duke of *Devonshire.*] Are there any class of improvements that can be more cheaply made by the tenants, in your opinion?
I think perhaps in some degree draining can be done more cheaply, inasmuch as the tenant does not always value his labour as highly as he ought, but I think it is rarely, if ever, done so well. I have never known it done so well.

141. Lord *Dunsany.*] Did you ever know of a tenant, not in the position of a gentleman, who drained land?
I have never known any who drained it in a scientific or proper manner. I have known a great many small drains made here and there, but none done in a scientific or proper manner have come under my observation.

142. Lord *Churston.*] In the part of Ireland where the tenant right does not exist, is there any payment made by the incoming tenant to the outgoing tenant on taking possession of the farm?
No, there is not any payment made in those cases.

143. No payment whatever?
No, certainly not.

144. Nothing for unexhausted manure?
I did not understand your Lordship to allude to that; he may purchase his crops or his manure, or anything of that kind. I thought you meant for good-will money.

145. I mean what is actually in the ground; does the tenant coming into the farm pay the outgoing tenant for unexhausted manure put into the ground, or for a crop of clover coming up, for instance?
He generally does; there is generally a valuation made by two men of what he

he should pay on coming into the farm, and he pays invariably for the unexhausted value of the manure ; and where there is clover and grass seed sown, he always pays for the clover and grass seed.

146. That you do not include under the term tenant right ?
Certainly not.

147. *Chairman.*] You have probably had cognisance or read of proposals that every tenant now occupying land in Ireland should be left undisturbed for a certain period of years, that is to say, should have a Parliamentary title to a lease for a certain period ; that period has been proposed by one learned gentleman to be 60 years, and by others 20 years ?
I have seen proposals of that kind.

148. If anything of that kind took place where the land was much subdivided, do you think it would be possible for any general improvement of the country upon at all an extended scale to take place : I will suppose the case merely of a main drainage a mile long.
The whole system is so contrary to everything that I consider right or advantageous to the country, that you could hardly mention any point upon which I think it would not be injurious, and that which you have mentioned is decidedly one in which it would be injurious.

149. Upon the subject of granting leases, I should like to ask you a question connected a little with the question of tenant right ; I mean as to the succession to a farm. Upon the death of a farmer who perhaps makes a will bequeathing money to a larger amount than his property is worth, how do they manage in the north about the possession of the farm ; who succeeds to the farm where there are a large number of children ?
That has been a fruitful source of the immense subdivision that has taken place ; now landlords are so very much against that subdivision, that they almost invariably insist that it shall go to one particular son, and they generally leave the choice of that son to the tenant.

150. If any such leases were granted, as I have supposed, for a length of time to a quantity of small tenants, could that subdivision of the land, or the assignment of charges upon the land, practically be carried out to any great extent with justice to the younger children and the widow, if the landlord had no means of settling the matter, or interfering at all ?
It appears to me that it would make such confusion that I do not see how it could be got out of.

151. I presume that, practically, in those parts of Ireland where tenant right exists, as well as in those parts where it does not exist, the landlord does interfere in the disposal of the farm ?
Certainly he does.

152. Earl of *Stradbroke.*] Would it be desirable to pass a law obliging the incoming tenant to purchase from the outgoing tenant all manure, hay and corn crops upon the farm at the time of his taking possession, or is the custom at this moment sufficiently strong to make that unnecessary ?
I think this should be a matter of private agreement, and not made compulsory by law.

153. *Chairman.*] With regard to evictions, you are probably aware that there have been of late years a very considerable quantity of tenants evicted from different estates ?
Yes.

154. I presume it has come under your notice, or you have read of some cases in which tenants have been treated with considerable hardship ?
I have heard of it, but in most cases that I have inquired into, I have found upon examination that the accusation has disappeared ; however, beyond all question, there must be some cases of it.

155. Are those cases really common ?
Certainly not, in my knowledge.

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156. Would they not be considerably checked by written contracts between landlord and tenant?
I think they would.

157. Have you, in your own knowledge, known many instances of tenants being ejected for electioneering purposes, or from electioneering motives, arising out of elections to come, or elections passed?
I have not.

158. In any part of Ireland?
In any part of Ireland. I have never in a single instance executed it myself; and I am not aware of it in other cases, with, perhaps, one exception.

159. On the whole, I understand you to recommend the adoption of written contracts?
Beyond all question.

160. And that the tenants should not be allowed to contract loans, or otherwise charge the land for improvements without the consent of the landlord?
Certainly. With reference to the accusation against landlords in Ireland, that they do nothing in the way of expenditure on improvements, and that the tenants do everything, I might perhaps be allowed to make a few observations, and to bring forward a few figures, if the Committee wish it.

161. The Committee will be very glad to hear you?
It is a point upon which, from my peculiar position as head agent over several important estates in Ireland, I have peculiar facilities for obtaining information. There is no more frequent assertion made than that the landlords of Ireland do nothing, and that the tenants do all, build, drain, and make every improvement which is made on the soil of Ireland. It is impossible to conceive a more utterly false assertion. I by no means desire to deprive the tenant farmers of Ireland of any credit to which they are entitled. My experience is considerable, and I will do them the justice to say, that except where misled by agitators, I have generally found them reasonable, upright, and fair; and where able, most willing to join their landlord in effecting permanent improvements. It becomes my duty, as head manager over four estates situated in four different counties in Ireland, to be responsible not merely for the collection of the rents, but for the judicious expenditure on the improvements carried on upon those estates. Some of them, from various causes, were in a very bad condition when first entrusted to my charge; whereupon I usually reported to the landlord the steps I would recommend to be taken, and these having been approved of by him, a large but steadily regulated expenditure in improvements has been the result. I will take the liberty of giving a few figures for the information of the Committee. On one estate in the midland counties of Ireland, the rental of which is about 15,000 *l.* per annum, there has been expended within the last 10 years on drainage and land improvement 12,811 *l.*; on buildings and repairs of tenants' houses, 14,056 *l.*; on compensation for surrender of tenements, 3,362 *l.*; on emigration (303 persons), 589 *l.*; on sundry improvements not included in the above, 1,977 *l.*; making a total of 32,795 *l.* within the last 10 years; average 3,279 *l.* per annum. The total number of new houses built on that estate within the period of 10 years was 39. On another estate in the midland counties, the rental of which is about 8,000 *l.* per annum, there has been expended, within the last five years, on drainage and land improvement, 2,704 *l.*; on buildings and repairs of tenants' houses, 2,681 *l.*; on compensation for surrender of tenements, 225 *l.*; on emigration (one family), 11 *l.*; on sundry improvements not included in the above, 961 *l.*; making a total of 6,582 *l.* within the last five years; average 1,316 *l.* per annum. In this case the number of new houses has not been large, but the repairs, and putting slated roofs on many dwelling-houses and out-offices, have been very large indeed. On another estate situated in the north of Ireland, the rental of which is about 20,000 *l.* per annum, there has been expended, within the last 16 years, on drainage and land improvement, 10,155 *l.*; on various buildings and repairs of tenants' houses, 23,829 *l.*; on compensation for surrender of tenements, 2,831 *l.*; on emigration (2,459 persons), 7,988 *l.*; on sundry improvements not included in the above, 4,178 *l.*; making a total of 48,981 *l.* within the last 16 years; average, inclusive of emigration,

gration, 3,061 *l.* per annum; exclusive of emigration, 2,562 *l.* per annum. On another estate, situated in the south of Ireland, the rental of which is about 11,000*l.* per annum, there has been expended, within the last 17 years, on drainage and land improvement, 8,829 *l.*; on buildings and repairs of tenants' houses, 13,393 *l.*; on compensation for surrender of tenements, 3,948 *l.*; on emigration (4,616 persons), 17,059 *l.*; on sundry improvements not included in the above, 11,129 *l.*; making a total in 17 years of 54,358 *l.*; average, inclusive of emigration, 3,197 *l.* per annum; average, exclusive of emigration, 2,194 *l.* per annum. The number of new houses built on this estate within the above period has been about 50. Thus it appears that on the several estates which have been placed under my management, and all belonging to English noblemen, who from their position in England could not be expected to reside constantly in Ireland, there has been expended, during the last 17 years, on drainage and land improvement, 34,502 *l.*; on buildings and repairs of tenants' houses, 53,959 *l.*; on compensation to tenants for surrenders, 10,366 *l.*; on emigration money to paupers, 25,647 *l.*; on sundry improvements not included in the above, 18,245 *l.*; making a total expended on the improvement of these estates, within the last 17 years, of 142,719 *l.* I question if many English proprietors have done much more than this, and yet it is frequently asserted that Irish landlords, and especially what are termed absentees, do nothing. It must be admitted that these estates had been much neglected previous to the improvements which within the last 17 years have been undertaken by the proprietors; but Ireland has much changed of late, and few proprietors now forget that property has its duties as well as its rights. Evictions on these estates have been very few and rare. The most liberal compensation has been given to outgoing tenants who became bankrupt and could not pay their rents, even for fancied improvements, where almost none had really been effected, whilst the large sum expended on emigration was given almost exclusively to those who had taken refuge in the poorhouses in the years 1851 and 1852; their holdings being so small as to be wholly unable to support them without the potato, which had then failed as a national food. A large amount of the expenditure on buildings was given in aid of repairs, the tenant frequently undertaking to do all the manual and horse labour, the landlord giving slates and timber for new roofs, windows, floors, and doors. I have found it far more economical to turn bad houses into good ones, by slated roofs and other improvements, than to build anew. Whenever tenants have improved to any considerable extent, leases varying from 21 to 30 years, and sometimes with the life of the lessee included have in many cases been granted. It appears to me that one of the chief reasons why Irish landlords do not improve their estates still more, is the difficulty of obtaining competent persons to secure that good value should be obtained for their expenditure.

162. Duke of *Devonshire.*] Can you state the rental of those estates?

I have in each case stated the rental; the aggregate is about 54,000 *l.* per annum.

163. Earl of *Stradbroke.*] Is it within your knowledge that very large sums are expended privately upon estates, without borrowing from the public funds?

Certainly; not a single shilling of this was borrowed from the public funds.

164. Independently of those you have mentioned, do you know other cases in which large sums have been expended upon estates from private sources?

To an enormous extent, to my certain knowledge; to an extent exceeding what I have stated.

165. Earl of *Kimberley.*] What do you say is the aggregate rent of those estates?

£. 54,000 a year.

166. In how many years was this sum expended?

In some cases it has been expended in 10 years only; in others it has been in 16 or 17 years; 54,000 *l.* is the rental, and 142,719 *l.* is the amount expended, but that includes the amount expended in assisting pauper families and individuals to emigrate.

167. *Chairman.*] That has been expended by the landlords?

By the landlords, unassisted by the Government, entirely out of their own pockets.

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168. Earl of *Rosse.*] That does not include the whole of the expenditure upon drainage, does it?

No, it does not; there has been a considerable expenditure by means of Government loans besides that.

169. That is by the landlords, is not it?

The landlords are taxed for it, but the capital does not come from their pockets.

170. Lord *Meredyth.*] They are responsible for the interest upon it?

They are responsible for the interest to the full extent.

171. Earl of *Devon.*] You have stated that to a great degree where practicable any substantial improvements to be effected should be made by the landlord, and you have referred to cases of various properties in which the landlords have means to do so; is not it within your knowledge that there are many estates in Ireland where the landlord has neither the means himself of effecting the improvements, nor the means of providing the annual interest which would enable him to borrow the money for that purpose, and where there are tenants who are disposed and able to effect improvements to some extent, if they were induced to apply to such improvements money which they might otherwise either keep in the bank or apply to a daughter's portion, or use in some way which would not be to the benefit of the estate?

Certainly; I think that was one of the most advantageous parts of Lord Naas' Bill, extending the powers of the Lands Improvement Act to the tenant as well as to the landlord. If he had not hampered it by an additional Clause, saying that the tenant should sometimes have a right to do it independently of the landlord's wishes, I think that would have been a most beneficial enactment.

172. Earl *Grey.*] What you would wish would be that the tenant should be able to apply money of his own to the improvement of the land, taking a rentcharge upon it in the same way as the land companies do, to go as long as he held the property in diminution of his rent?

I think it might be advantageous, but the great objection to the tenants carrying out those improvements without its going through the Lands Improvement Act is this: that there are no distinct plans and specifications laid out beforehand, and consequently there is no distinct register of the exact amount expended, and, above all, there is no superintendence for the proper execution of the works.

173. But if I am not mistaken, under "The General Lands Improvement Act, 1863," a landlord may charge his estate for improvements, which are to be executed under a proper superintendence; and a tenant may find the money, and obtain a rentcharge for it, may he not?

That is not the principle of the Lands Improvement Act. Under the Lands Improvement Act it passes through the Board of Works; the system of it is simply this: a landlord wishes to improve or drain his estate; he makes application to the Board of Works, sending up at the same time maps and plans and specifications in a rough way of what he proposes to do. The Board of Works send down their inspector on receiving that application; there are a great many inspectors situated all over the country, so that there is very little expense in that; he examines those maps and plans and specifications, and draws out new ones if he does not approve of them, always wishing to confer with the landlord and the tenant as to what is best to be done, and sends up those plans and specifications, together with an estimate of the present and of the increased value of the land consequent upon these improvements being done, to the Board of Works. It is his general duty to inspect the operation (I do not mean that he is to be always standing by), and see the work properly executed; when it is executed he reports upon it, and the transaction is complete.

174. And the money may be obtained either from the Government or from any private source that the landlord chooses, and charged upon the land by a rentcharge, may it not?

I do not think that it comes under the Lands Improvement Act, if that is the case; at least I am not aware of an advance being made by any private individual under the Lands Improvement Act; when the money is borrowed under

under the Lands Improvement Act the thing goes regularly through the system I have just described.

175. Earl of *Devon.*] Do you think that the provision would be in many cases availed of, if the tenant were permitted to lay out his own money and thereby to obtain a rentcharge for a certain number of years upon the estate?
I think it might be availed of very possibly.

176. Do you think that it would tend to the introduction of improvements in cases where otherwise, from various causes, improvements would not take place?
It would have that tendency.

177. *Chairman.*] Have you looked at all at the registry part of this Bill?
I have.

178. Do you think that the scheme there proposed of registering would be practicable, first as regards the register of accounts; do you approve of the Bill in that respect?
I think it is very important that there should be a written agreement between the landlord and the tenant; that they both should have a copy of that agreement, and that it should be registered in the county, not in the Dublin courts; I think that is left optional, if I recollect right, in the Bill.

179. Lord *Meredyth.*] Do you think that there would be any difficulty in having a written formal contract with regard to any minute holdings?
I see no difficulty in it.

180. Do you think there would be any difficulty in registering those small contracts?
There would be trouble, but not difficulty; it would impose a great deal of troublesome work upon the agents, but there would be no difficulty in it.

181. Earl of *Kimberley.*] Would it not require a very extensive office, and a large staff of clerks, to contain those agreements when they were registered, and to keep books by means of which you could readily refer to them?
Beyond all question, it would require an increase in the number of clerks, or at least in their labour.

182. And if you had not a complete registry of the agreements, which was easily accessible to the public, practically the registry would be of no value whatever, would it?
If you had not a registry, of course it would be of no value.

183. I mean when the agreements are registered in the office of the clerk of the peace, as is proposed, would not it be perfectly useless to the public that they should have been so registered unless a book of reference were kept in such a manner that the registered agreements could at any time be referred to?
I should say that the chief object of a register would be in case either of the agreements were lost.

184. Then, I repeat my question; in order to discover an agreement which has been lost by the parties in the registry office, would it not be necessary that there should be a book of easy reference?
Yes.

185. Would not the keeping of such a book of reference for the agreements for every holding of land throughout Ireland be a very onerous business?
It would be a very arduous business.

186. Would it not be very expensive?
I think it would; if it is important to do it, and advantageous to have written agreements, it would be expensive, but I think it would pay well.

187. Earl *Grey.*] The only provision with regard to registering contracts as to lands that I find in the Bill, is Clause 7, on page 9; do you think that, with some further provision made by Parliament upon the subject, it would be practicable to effect those registrations?
I think it would be advantageous, but I confess I think it might lead to difficulties.

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188. This clause does not state what particulars are to be entered; is there any great advantage in registering a contract unless you registered what is in it?

I should say that the only registry of the contracts ought to be a triplicate; any other registry I would entirely repudiate.

189. But that is not provided for here?

I think it is; it is mentioned in one place; I saw it somewhere in this Bill.

190. *Chairman.*] Do you think that there would not be any use in the mere registering that there was an agreement, of such and such a date, between a landlord and a tenant, although you did not give a copy of it, or even register the particulars of it?

No, I do not; I think the easiest and simplest form of registering would be to send a triplicate to the officer of the county. The simple fact of the registry would be of no use, I think; and any attempt to describe the provisions of the agreement, unless they were described in the same accurate language as that used in the original, might lead to disputes and difficulties.

191. Earl *Grey.*] You think it would be desirable to amend the 7th clause of the Bill, by providing that a triplicate of the agreement should be deposited with the clerk of the peace?

I do.

192. *Chairman.*] If there is to be a registry at all?

If there is to be a registry at all.

193. But you seem to have some doubts about it?

I have some doubts, on account of the practical difficulty which I know would be engendered by it; but I have no doubt about the written contract between the landlord and tenant; that is a separate question from the question whether it is necessary in every minute case to register that contract.

194. Earl *Grey.*] You would not have a contract between landlord and tenant void because it was not registered, would you, because the clause goes that length?

No, I would not have it void because it was not registered, certainly; the register I look upon as a security to the parties, but not as an absolute necessity.

195. The clause as now drawn says that no contract shall be deemed complete so far as to enable either party to avail himself of it in law unless it has been registered; might that be modified, in your opinion?

I think it ought to be modified; I only got this Bill yesterday, and I have not gone accurately over it, and therefore I was not quite aware of what all the provisions were; but I am quite aware of what I think would be beneficial.

196. *Chairman.*] Will you state what you think would be beneficial?

I think it would be beneficial, that there should be a written contract in each case; that the landlord and tenant should have what I have, a block, so that one agreement is an exact counterpart of the other, leaving blanks for the written date, and for the terms of any special agreements in particular cases; that the landlord should retain one, and that the tenant should retain the other; I would leave the registry of it optional with the parties as the registry of various deeds is now. It will be a great security to the party who does register; but if he does not choose to register, let him suffer the consequences.

197. Earl *Grey.*] You would modify this clause, by striking out that part which renders the contract incomplete without registry; you would provide that the register, if it was registered, should be by the deposit of a triplicate?

Decidedly.

198. *Chairman.*] I suppose the leases of the different estates with which you are connected are not identical in language, are they?

No, they are not identical in language.

199. Do you find the leases on one estate applicable to every tenant upon it?

Yes; blanks being left for special clauses in the several cases; we have endeavoured, with a great deal of trouble, to get a uniform lease for all the estates

estates I have the management of, but I have not hitherto been able to do so, in consequence of the practice which has existed of putting them entirely into the hands of a lawyer who uses his own words, and will not accept the printed lease.

200. He makes the lease longer?

He makes the lease longer, and all written; I have a printed form which has been drawn up with a great deal of care, and which I think embraces almost every case.

201. Have you any reason to doubt that the printed form is available in law, and for all your other purposes it is just as available as a written lease, is not it?

I believe so; I have never heard it questioned, but I am not a lawyer.

202. The practice is, that the lease is submitted to a lawyer or an attorney (whom we may call a lawyer), and that in almost every case a charge is made upon the tenant for it?

Certainly, that is the usual practice, and I think if it could be avoided it would be desirable, because it is one of the causes that prevent tenants taking out leases; I have myself known several tenants refuse to take out leases because of the charge that was put upon them.

203. Earl of *Kimberley*.] Why should you, if you have got a satisfactory printed form, which probably is the established form upon the estates you manage, incur the expense of submitting that to an attorney?

Where an attorney had been for 30 years in the practice of drawing leases, I have had some hesitation about taking the business out of his hands after it had been allowed for so long a period, and I did not wish to deprive him of his profits from it, although I thought as a system it was injurious, and one that ought not to be allowed. In some cases I have furnished the attorney with my printed copy, and he has almost verbatim followed it, not quite, varying it just sufficiently to make a difference.

204. *Chairman*.] It is practically a serious grievance in the case of small holdings, is it not, and a reasonable objection on the part of the tenants?

Certainly.

205. For small tenements particularly?

Yes; and I think in any new Act that is established, one of the most important things that could be done would be to put a uniform stamp of a penny on every lease or agreement. I would not even have it rise up in proportion to the value of the article, but as we have a penny postage, so let it be a uniform tax of a penny upon every agreement. I believe that would bring in as much or more to the revenue than the present system, for the present system is extremely complicated. I have here a list of the taxes which are imposed now in different cases. I think they are as likely to lead to confusion as anything I have seen.

206. I gather from your answer that you think that the great want of Ireland in this or any similar Act, is a facility for written contracts, and that if that facility were provided, written contracts would be adopted readily between landlord and tenant?

Yes, I think they would. I do not say that they would be readily adopted all over Ireland; but I think they ought to be adopted. I think every facility for their adoption should be thrown in their way, and among the rest the most important is the penny stamp upon every agreement.

207. Do a great part of the many disputes between landlord and tenant in Ireland arise, in your opinion, from the want of written contracts?

Yes, from understandings which are not understood.

208. Earl of *Devon*.] What is the fact with reference to the demand for leases now; is it increasing or diminishing on the part of the tenants?—I think it is increasing.

209. Would you apply that to the whole of Ireland?

I would apply it to the whole of Ireland.

 210. And

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210. And you think that the demand would increase still more if the expenses of leases were reduced in the way you propose?

Certainly; I think that the expenses of leases incurred by their passing through the attorney's hands are a most serious stoppage to leases being taken out.

211. Speaking generally, what is your opinion of the disposition of landlords to grant leases in Ireland?

Wherever any tenant has a sufficient quantity of land, and where he is willing to farm it well, and to lay out any money upon it, or has laid out any money upon it, I have very rarely known leases refused. I think there is a decided disposition to grant them.

212. Speaking generally of the estates which you manage, what would be the lowest limit which you would include in a lease; how low would you go down?

I have included in leases, because of the custom of the country, less than I thought ought to be included; it is a confession, perhaps, that I may be blamed for, but the lowest that I think a farmer as such ought to hold, would be from 30 to 50 acres.

213. Do you mean English or Irish acres?

I meant Irish acres; that would be from 50 to 80 English acres.

214. Earl *Grey.*] What is the difference in size between an English and an Irish acre?

They are as 5 to 8.

215. *Chairman.*] What length of lease do you recommend generally for a farmer, properly so called?

Twenty-one years is what I have always advised and recommended.

216. You think that that is sufficient power to give to a limited owner?

I think it might be extended under some circumstances further than that, to a limited owner.

217. I did not refer, of course, to building leases. I meant a mere agricultural lease for farming purposes; how far do you think it would be advisable to extend the power of leasing in that case?

I think, for mere agricultural purposes, a lease of land for 21 years is as long a lease as ought to be granted, and that would be as long as I would allow in the case of a limited owner.

218. Earl of *Kimberley.*] If a tenant was about to erect a house upon land let to him for agricultural purposes, would a lease for 21 years, in your opinion, be sufficient?

Certainly not, if he was about to do it at his own cost.

219. How long a lease do you think would be a fair term for a man who was about to erect a house and suitable premises at his own expense?

Thirty years, in my judgment, provided that the house was suitable in nature and extent to the farm he occupied, and that the farm was of sufficient size, so that consequently the house would be of sufficient size.

220. *Chairman.*] I presume you make a difference between building leases and agricultural leases on the properties you manage?

Certainly.

221. Do they differ in towns or villages from cases where the farm is purely agricultural, and the house in a rural position?

In towns the lease I have generally recommended, and which has usually been granted, has been for 60 years, where the tenant erected the whole building from the foundation himself.

222. Earl of *Kimberley.*] Will builders undertake to build houses in Ireland upon 60 years' leases?

Certainly.

223. *Chairman.*] Do you mean that they build houses without any quantity of land beyond a mere garden, on 60 years' leases?

They will build upon a 60 years' lease, and in some cases less; it is not very general,

general, but there are some cases where I have known them build upon a shorter lease. I have known 500 *l.* laid out upon a 30 years' lease in a case where a 60 years' lease was refused to be given.

224. Earl of *Kimberley.*] Of course, the term of a building lease would be simply the shortest term upon which the landlord could induce a person to build a house of the character he desires upon the land?

Yes; but a house built upon rural land is entirely different from a house built in a town.

225. I refer entirely to building leases, properly so called; that is, in a town. The term of such leases is the term that the landlord finds most to his own interests, and upon which he can induce a builder to build houses of the character he wishes?

Yes; that term which he and the tenant both find convenient, and which they can agree upon. I think Grosvenor-square was built upon a 60 years' lease.

226. Earl of *Devon.*] Adverting to farm houses and buildings upon agricultural land, I understand you to say that 30 years is, in your judgment, ordinarily sufficient to secure to the tenant a fair return for his outlay?

I should say so for any house suitable to the farm. If he chooses to build a very great mansion upon a very small piece of land, that, of course, does not come into the consideration.

227. Lord *Meredyth.*] Are you of opinion that a farm provided with sufficient buildings for farming operations would command a higher rent in the market than a farm with incomplete or insufficient buildings?

No doubt of it.

228. What would you put that at per acre. Supposing there were two contiguous farms of equal value as regards the quality of the land, one well provided with farm buildings, and the other not: and, supposing that the farm not provided with buildings, commanded 1 *l.* an acre, what rent per acre should you think the other farm would command?

It depends upon circumstances. If the farm is a grazing farm, of which there are many in the county of Galway and in other districts, you would only add very little, if at all, to the value of that farm by building upon it.

229. I spoke of agricultural land, generally?

If it were an arable district, I should say, in round numbers (it would be difficult to give an accurate statement), that something like 5 *s.* an acre would be a very moderate increase to the value. Where the farm without buildings would let for 1 *l.* an acre, you might put 25 *s.* an acre upon it, if you built proper houses upon it.

230. Duke of *Devonshire.*] Are you comparing a farm without any buildings upon it at all with a farm which has good buildings upon it?

Yes, with reasonably good buildings.

231. The other farm having no buildings at all upon it?

I can hardly say without any buildings upon it, because it could hardly be occupied without any buildings upon it; but with the usual class of bad Irish buildings that we find very often.

232. Do you know any case of two farmers adjoining each other, where the difference in rent is 5 *s.* per acre, in consequence of the one being well provided with good buildings, and the other insufficiently provided with them?

Certainly; or about that sum; it varies.

233. Lord *Meredyth.*] Then if the landlord had built those offices and buildings, he would receive 25 *s.* an acre for his land?

Yes. It is upon that that I base my opinion, because in a great many cases that I know, houses suitable to the farm have been built, and there has been a consequent increase of rent to about that extent put upon that farm.

234. For the next farm with insufficient, or bad, or incomplete buildings, or

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without any, the landlord would receive 20 *s.* being a difference of 5 *s.* compared with the farm with buildings on it?

Yes.

235. The tenant of the farm without buildings would, in that case, upon a lease for 30 years, save 750 *l.* in rent, would he not, supposing his farm to be 100 acres?

On the whole 30 years I suppose he would; I have not calculated it.

236. He would have so much to the good, would he not, to expend upon farm buildings?

Beyond all question.

237. If he built them himself, would he not save that amount of rent?

Yes, I should say he would have it to his advantage; that is on a 30 years' lease.

238. And that would have to be taken into calculation in any after arrangement, would it not?

Certainly, it would.

239. *Chairman.*] In your experience you are aware that, on many estates in various parts of Ireland, the contracts for leases are made occasionally with tenants with specific conditions, sometimes for reclamation of land, sometimes for fences, or other improvements in the particular treatment of the land; do you think that the present law enables either party to enforce those conditions with sufficient facility?

I have hardly ever found it so. I cannot account for it, perhaps; but, as a matter of fact, in Ireland it is generally admitted amongst both landlords and agents that, under the present system, a lease binds one party, that is the landlord, but rarely binds the tenant. It ought not to be so.

240. Have you found a difficulty in restraining waste or the ill-treatment of land in the present state of the law; have cases of that kind come under your observation?

Cases of that kind have not come under my personal observation; but I have frequently heard men say that there was a difficulty in restaining waste. At the same time, the present law gives very stringent powers.

241. It is only that there is some difficulty in putting the law into execution?

I have never found it so.

242. You have no personal knowledge of it?

No, I have not.

243. With respect to the other point, you can speak particularly upon the subject; that, as the law now stands, there is great difficulty in enforcing specific conditions, if the tenant evades them?

So great is the difficulty, that the principle which has been adopted in the leases which I have had printed, and which I have taken from the very best sources, is to put in a higher rent than was originally intended to be charged, and then to make an agreement that, if all the clauses and conditions are carried out, the rent shall then be of a smaller amount.

244. What is commonly called a reserved rent?

Exactly.

245. In fact, without being a lawyer, it is so notorious that I do not doubt you will be able to answer the question, unless some specific penalty, such as the forfeiture of the lease, or a certain sum is put in the bond or lease, it is of no use endeavouring to enforce in the superior courts the conditions of a lease; that is to say, if you have no penalty affixed?

I have heard that that has been generally the case; but I have never had a lawsuit in the superior courts, or even a record trial at assizes, on any of the estates I manage.

246. Lord *Meredyth.*] Are you acquainted with any farms held under long leases which were originally granted for long leases?

I know a great many on which long leases did recently prevail.

247. As

247. As a rule, is it your opinion that the tenants took advantage of those long leases for the purpose of completing any permanent improvements?

No, certainly not; the advantage taken of the long leases, usually was that of subletting, and that they did in spite of all that the landlord could do.

248. Duke of *Devonshire.*] Upon the estates with which you are connected, is it the practice generally to give the larger class of tenants leases for 21 years?

It is done in a great many cases; in almost all cases where permanent improvements are made.

249. Should you prefer, as a rule, that the larger class of tenants should have leases for that term, or that they were tenants from year to year?

I would rather that they had leases, at least, those that are worthy of them, in having effected permanent improvements, and also in managing their land properly.

250. Can you see any difference, generally, in the style of farming, &c., where the tenant has a lease, from that where the tenant holds from year to year?

I have seen some slight difference, but very little, not so much as one would naturally suppose would be the case.

251. In passing along the country you would not be able to point out what farms you thought were farmed by tenants having leases; you could not distinguish them from the farms of tenants at will?

No; except in some of the old leases, in which you could decidedly distinguish them from their having been sub-let and having gone to ruin; most of the old leases you can tell all over the country at once.

252. Earl of *Lucan.*] There is nothing so mischievous as a life lease, is there?

It is undefined in general, and, therefore, mischievous.

253. Duke of *Devonshire.*] Are there any cases in Ireland of landowners only possessing 100 or 150 acres, and farming them themselves, like those who are called yeomen in England?

Yes; there are some.

254. Are you able to say how those persons farm their land?

In general, I do not think that their lands are so well farmed as lands let more recently, and at a fair full letting value.

255. I speak of cases where the owner farms his own land?

I think it is not as well farmed; but I have come across very few such cases.

256. I wanted to know whether there were enough cases of that kind to enable you to form any opinion as to how that class of people would farm their land?

I am afraid I did not quite understand what your Grace referred to.

257. I was speaking of a landowner holding 100 or 150 acres of land in fee simple, and farming them himself?

Upon that subject I cannot give any information.

258. *Chairman.*] You probably can give information to the effect that that class has increased since the Encumbered Estates Court has been established?

It has very largely increased since the establishment of the Encumbered Estates Court; but they have had very few opportunities, as yet, of making a distinguishing mark in the country.

259. You refer to cases of persons who are tenant farmers, but who get opportunities of buying farms in the neighbourhood?

Yes; of purchasing their own farms.

260. But who live, as heretofore, without making any great change in their condition?

I only know three or four cases of the kind, and in those cases they have lived in the same position and under the same circumstances, not apparently raising their position at all.

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261. Am I to understand that the men to whom you allude are tenant farmers with the command of capital, by which they make these purchases of land?
Yes.

262. And in many cases without old leases, but holding the land at a fair rent?
I could not go into the details of the previous circumstances of those men; that has come so very seldom across me that I cannot speak of it.

263. Earl of *Stradbroke.*] Are there not many shopkeepers in towns who purchase under the Encumbered Estates Court?
A good many; they generally farm pretty well, but, as the people say, they "farm out of the till."

264. *Chairman.* I apprehend it has come under your observation that there is a great deal of land farmed in Ireland that requires no improvement whatever. I put the question to you because we hear a great deal about the improvement of lands upon the large estates, whereas the lands which at this moment pay the highest rent are those upon which very little money has been laid out in the way of improvement, and upon which the outlay of money would not be likely to increase the value?
There is a vast extent of land in Ireland upon which the outlay of money would be very little, because all that is required for it, is to let it alone; with regard to all the good lands of Galway, Tipperary, Meath, and Limerick, all that is necessary for them is to let them alone; at the same time there is a vast amount of land in Ireland that is reclaimable and might be reclaimed, and is now lying unreclaimed.

265. Lord *Meredyth.*] You are very well acquainted, I daresay, with the condition of the labouring classes in Ireland?
Yes, I think so.

266. What is your opinion of the condition of the labouring classes generally?
I think the labouring classes in general have improved in position very much within the last few years in consequence of the very greatly increased price of labour. I know of many families at present employed, who are making from 50 *l.* to 55 *l.*, and 60 *l.* a-year amongst them.

267. With regard to their habitations, what do you think?
I think they are decidedly very much improved; on the particular estates I manage, the improvement is enormous, because it is a subject to which I have given a great deal of attention; but all over Ireland they have been very much improved.

268. Do the labourers upon the estates with which you are connected hold, if I may so call it, under the landlord or under the tenant?
In some cases they hold under the landlord, but in general they hold under the tenant.

269. Is it your opinion that the habitations or the dwelling-houses of those who hold under the tenants are improved?
Yes, I think they are, decidedly.

270. Upon the estates which you yourself manage?
They are very much improved indeed.

271. But is that your opinion generally, with regard to the rest of Ireland?
There is some improvement, but it is not very material.

272. In a great many parts of Ireland their habitations are still in a most wretched condition, are they not?
Very wretched indeed.

273. And they hold under the farmers generally, do they not?
They hold generally under the farmers.

274. Do you know what rents they pay for those holdings?
In general the rent is not distinctly stated; they are bound to give a certain quantity

quantity of labour; they get a labourer's cottage, and very often the grass of a cow, on condition of giving labour at particular periods.

275. *Chairman.*] And occasionally a small garden?
Yes, a small garden, the grass of a cow, and a cabin.

276. Lord *Meredyth.*] Taking all that into consideration, do you not think that generally speaking (I am not alluding particularly to the estates you manage so differently and so well), the rent charged to a labourer in Ireland for a very indifferent habitation is a high one?
Very high in proportion to the article, certainly; I should say, about on the average 50 *s.* a year.

277. *Chairman.*] He will often pay that, paying it monthly, will he not, with a very small patch of land indeed?
With a very small patch of land, he would have a garden, and a house in the garden for 50 *s.*

278. The worst houses, I apprehend, that tourists and other persons see of the class of which you are now speaking, are those where they see what are called care-takers located, who have, in some cases constructed themselves a mere hut, either out of cut-away bog or in the corner of a fence, or something of that kind, which gradually has become their residence, and into which they sometimes introduce a wife?
That is very commonly the case; but also there are a great many very poor huts which tourists and others see, where tenants have their under-tenants or labourers located.

279. Lord *Meredyth.*] Would not it be of vast advantage to the country if those habitations could in any way be improved?
Beyond all question, and it is the matter to which in the large expenditure on building I have stated, the chief amount has been applied.

280. Do you think that the great emigration which has taken place of late years has not been very much fed by that class of agricultural labourers?
Almost entirely; on one of the large estates I have managed, they were in such large numbers that they had all to go into the poor house for support, and it was out of the poor house that all these emigrants were taken: they were most grateful for the well-timed liberality of the landlord, which enabled them to emigrate, and leave the miseries of the workhouse.

281. Then you think, if the condition of the agricultural labourer were improved it would be a check to the progress of this emigration?
Certainly it would.

282. Are you aware of the laws at present in force, which regulate the cottier tenement system?
Yes, partially, it is one we act on.

283. That is Mr. Cardwell's Act?
No, I am not well acquainted with Mr. Cardwell's Act, but I think I know what the existing law is generally with reference to cottiers.

284. Mr. Cardwell's Act gives a summary power to the justices to give the landlord, in case of non-payment of rent, and I believe for other reasons, possession of the tenement, but the process is that the said dwelling-house or cottage is to be kept in tenantable condition and repair, are you not aware of that?
I am aware of it, but that is hardly ever acted upon.

285. Would it not be very difficult to act upon such a clause?
Very difficult.

286. And might you not have such a miserable hovel that it would not be fit for a person to live in, and yet it might be in very good repair?
I have never known an instance in which it was brought up by a tenant, that the conditions were not complied with.

287. So that it really does nothing to improve the sanitary condition of the peasantry?
I do not think it has been acted upon at all; I think it has remained a dead letter.

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288. Are you aware of the Act passed in 1856 with the same object of providing improved dwellings for the labouring classes in Ireland, which gave a summary power to the landlord, but which insisted at the same time that the dwelling should possess certain sanitary requisites?

Yes, I am.

289. That has been virtually, though not repealed, superseded by Mr. Cardwell's Act, is not it?

Yes.

290. Which of those systems do you prefer?

Really, both of them have been entirely a dead letter, in my experience.

291. These Acts very often remain a long time upon the Statute book, and are very little taken advantage of; but do you think it would be a good way of improving the sanitary condition of the houses in Ireland if the summary jurisdiction given under that Act were generally known and were coupled with some regulation providing that those houses should possess certain sanitary requisites for the health of the inhabitants?

Yes; I think it would; I am afraid it would not be very much acted upon; but by how much it was, by so much it would be decidedly beneficial.

292. *Chairman.*] Of course it is impossible to say what proportion of labourers you would give to a farm, because it varies so much according to the character of the farm; but I suppose when you allow the tenants upon the estates with which you are connected to have any sub-tenants, you limit the number very considerably?

Always.

293. And impose conditions?

Yes; I think one labourer's cottage to every 50 statute acres of arable land should be sufficient.

294. There was a very important point, which you may have observed is touched upon in this Bill, and on which I wish to have your opinion, which is the law of distress?

I am aware of it.

295. Do you think an alteration of that law desirable, and do you think the abolition of that law would be of advantage to the country, or a disadvantage either to the tenant or to the landlord?

I think the total abolition of the law of distress, as a general rule, would be hardly just to the landlords; but I think that it should always be performed by a legal officer, instead of by the landlord, and his own local bailiff, as at present.

296. Would you have that legal officer put in motion solely by a decree of the court of which he is the servant, or would you allow the landlord to be able to call upon him to act in the way he has hitherto acted by his own bailiff?

In my opinion it should be by a decree of the court; the law of distress I have not, if I recollect rightly, put into operation for 20 years myself; I have disliked it always so much; but I should be sorry to see it totally abolished. Cases might arise in which a tenant was evidently going to sell off everything and go away, and under those circumstances it might be advantageous that it should not be totally abolished; but I think it should be put into operation by the court and not by the landlord, in the present way.

297. It has been represented by some persons that practically to remove it would entail hardship upon the tenant, inasmuch as the landlord would always take care to have a decree against him; do you concur with that representation?

I do not think that; I never heard of such a practice being adopted.

298. You do not, therefore, see that the abolition of distress would practically occasion evil to the tenant?

Certainly not; that view of the case is new to me.

299. You think it would be rather hard upon the landlord in a case where he had good reason to suppose that the tenant was about to quit the country?

I do.

300. Then

300. Then how far do you think it would be consistent with justice, or the contrary, to continue or to abolish the present priority of claim which the landlord has over other creditors?

That becomes, perhaps, a difficult question. I do not myself see any reason why he should not have the prior claim; the other parties lend the money to the tenant because he is in possession, as a general rule, of the landlord's land, and under these circumstances he is the party who gives the tenant the amount of credit which he obtains; the possession of his land gives him that amount of credit. Under those circumstances I think it reasonable that the landlord should have the first claim.

301. The creditor is well aware that the rent ought to be paid to the landlord, and therefore he lends his money upon the credit or expectation of a profit beyond that rent?

Certainly.

302. I understand you to think that it would not be wise to disturb that provision; you see no necessity for disturbing it, at any rate?

I think it would not be wise to disturb the priority of claim, and I see no reason for doing it.

303. Earl *Grey.*] Does not the intense competition among tenants for land at this moment in Ireland produce great evils?

I think it produces some injurious results.

304. Is not that competition increased by giving to the landlord this priority over other creditors in respect of his rent; has not it the effect of making him less careful in selecting a solvent tenant, and therefore of admitting insolvent tenants to compete with those who are solvent?

Theoretically, perhaps, it may have that effect. I have never known it to be a matter influencing him much; but I should suppose it had some influence; it ought to have.

305. Practically, is not it the fact that tenants in Ireland are very apt to offer rents for land which, except in the most favourable circumstances, they cannot pay?

I do not think that that is the case in general now.

306. It has not been so much so since the famine?

Not since the famine. It used to be the case, but now that the door is opened so freely to America, and to other employments of various kinds, that practice has very much died away.

307. Then you do not think that there is the same tendency now that there was formerly, on the part of tenants, to offer rents for lands which they could only pay in the event of good seasons and prosperous times?

By no means to the extent that there was.

308. To a certain extent it still is the case?

Yes; but I think that that is caused by their own ignorance of farming matters in general; because my experience of the letting of land, as far as I am able to judge of it relatively with regard to England and Ireland, is that the land is let much more cheaply in Ireland. I have gone over a great part of England, with the sole object of ascertaining the relative letting value of the land in England and in Ireland, and I have found almost invariably that what the tenants paid for an Irish acre in Ireland they paid for an English acre in England. I cannot bring it more accurately to a criterion than by taking it as 5 to 8.

309. But, according to their skill and their means of cultivation, they pay high rents for land in Ireland, because you must take into consideration their skill and their means of cultivation?

In proportion to their skill in some districts, I think they do; but I do not think that the landlord could be expected to lower his rents in proportion to the extremity of ignorance of any man who attempted to take the land; I have known cases in which men utterly unfit to become farmers offered the full rent, which they ought not to have offered, because they were not fit to farm at all.

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310. *Chairman.*] Where land is fairly let, as it seems to be your opinion that it is in Ireland, is not it a fact also that although a tenant may not be able to pay every year his year's rent, he very often, upon a run of three or four years, pays up the whole three or four years' rent without any difficulty, although from not having a reserve of capital in hand he may have been backward in paying in one unfortunate year?

That frequently happens; if a little indulgence is given in a bad year, they almost always clear it up afterwards.

311. And then they pay it readily without complaint?
Certainly.

312. I might add thankfully, might I not, in many cases?
Yes; sometimes.

313. Earl of *Stradbroke.*] Is not it the fact that the tithes in Ireland are paid by the landlord, and not by the tenant?
Yes; it is in the shape of a rentcharge. There is no such thing as a tithe, properly speaking, in Ireland.

314. Is not it the fact that the landlord also pays half the poor rate in Ireland; I believe in England it is paid by the tenant, and in Ireland half of it is paid by the landlord?
Certainly.

315. *Chairman.*] Which has to be added to your calculation of five to eight, as the difference in the rent of land of equal quality in the two countries?
Yes, as a matter of fact. I have seen the land in Leicestershire and in various other counties in England, which I have gone into with the specific view of ascertaining that point, and I find that notwithstanding the increased charges there are upon the lands in England, such as poor rate and tithes, they are let relatively higher. An English acre lets for, say, 2 *l.*, while the same land in Ireland would let for 2 *l.* an Irish acre.

316. Earl of *Kimberley.*] Have you taken into consideration in that calculation the much greater expense which the landlord in England is put to in doing repairs which the landlord in Ireland does not undertake?
No; I took the land as it stood.

317. In several parts of England, in the part of the country with which I am familiar, it is frequently the case that the landlord does the whole of the outside repairs entirely?
Yes.

318. Of course the result of that would be that the rent in those cases must not be compared with the nominal rent where he does not do those repairs?
Quite so.

319. Must you not take 10 per cent. off the Irish rent on that account?
That is the case in some districts of Ireland; but I speak also very broadly of cases where the landlord has done a great many improvements himself.

320. Does the landlord do the repairs in Ireland?
Ireland is a wide place.

321. Does he in any portions of Ireland?
In large portions of Ireland he does. On some of the estates I have to manage, the repairs are very extensively done by the landlord. I do not say that he undertakes to repair all the tenants' houses; that he certainly does not do; but he lays out an immense amount in repairs at present. That used not to be the case.

322. He does repair the tenant's farm buildings, but not his house?
He repairs both the buildings and the house to a large extent now.

323. What do you suppose that the per-centage of such repairs would be upon the rent in a well-managed estate in Ireland, such as you are acquainted with?

More than 10 per cent. at present upon the rent; but that is because the buildings have been allowed to run out of repair: the putting into repair and keeping in the state of repair which you have in England, are two very different things.

324. *Chairman.*] Apart from the question of leases, do you find it easy, or do you believe it to be easy, in the present state of the law, to enter into agreements with tenants with respect to compensations for improvement which they may make, either in houses, or in the mode of farming, or in reclaiming what has been bog land, and other matters of that sort; does the present state of the law favour compensation agreements of that kind?

I think they are very rarely, if ever, entered into. Compensation leases are things, I might say, of comparatively recent introduction as a public matter at all. There are very few instances of compensation leases being granted in Ireland, as far as my experience goes.

325. Have not some such cases as this come under your observation in the case of mountain land, upon which gradually cultivation encroaches; or land which was bog land, but the bog having been cut away judiciously, is easily converted into arable land, that the landlord, not having capital himself, or not being inclined to undertake all the draining and other expenses, lets it for a specific number of years, say five or seven, at a low rent to a tenant who will bring it into cultivation?

Yes, that is very common, but it is seldom a matter of writing an agreement (it is oftener done by parole), "You shall have that land for five years at 1 *s.* a year, until you have reclaimed it, and then pay the value for it;" or words to that effect.

326. I wish to know whether you would not think that it would be an improvement if that was done by written contract, with a facility given for enforcing those contracts easily?

Most undoubtedly.

327. That would probably increase the number of such agreements?

Certainly, I think it would do so very largely.

328. Lord *Dunsany.*] In all your extensive experience, did you ever know one single case of an improving tenant, who having made improvements, was evicted by his landlord?

Not a single case has come under my knowledge, without compensation being given them, and I have no recollection of any case at present, in which it was done at all. On consideration, I think I did hear of one which was tried at the Tullamore assizes, but I do not know the details.

329. *Chairman.*] Probably you have heard of cases where there has been a change of hands in the property, in consequence of which hardships of the kind alluded to have been inflicted, either in the case of sales under the Unencumbered Estates Court to an entire stranger or the succession of a remote person, or other cases where the new coming landlord has not given the proper compensation or proper consideration to the claims of the tenant, which the former landlord, if he had continued in possession of the property would have given, and did give, while he was in possession of the property?

I have known such cases reported in the public papers, but none such ever came under my own knowledge.

330. Earl of *Kimberley.*] Do you think that the abolition of the law of distress, would press hardly upon the small tenants, in depriving them of the credit they now get?

That is an entirely new view of the case to me; it never occurred to me before; I do not think it would press hardly upon them.

331. You are not aware probably that that view has been very much pressed in discussing the question of distress in Scotland, where it has been stated that it would have a prejudicial effect upon the position of what are called "crofters" in that country?

It has not come under my notice.

332. That is the other side of the question from what you have put?

Yes, I have always been in the habit of considering, perhaps erroneously,

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that the abolition of the law of distress was rather supposed to be an injury to the landlord than to the tenant, at least that it curtailed his powers.

333. Has it never occurred to you that the abolition of the law of distress would be favourable to a man of capital who wished to make an agreement for land by diminishing the competition, whereas it would be unfavourable to a man without capital, by depriving him of the credit which he now enjoys from his holding land?

There is no doubt that it would have that tendency.

334. Earl of *Lucan.*] I understand you to recommend that the power of distress should be restricted to a decree of the Court?

I think it would be advantageous.

335. Do you mean the Assistant Barrister's Court or the Magistrate's Court?

I cannot say that I have arrived at any distinct rule by which I would propose it to be restricted, but I think it has been sometimes exercised injudiciously and suddenly. Therefore I think it would be advisable that in some form, I have not specified details, it should pass under a public officer rather than depend on the more sudden act of the landlord.

336. I understood you to say that it would not be altogether safe to get rid of the power of distress, inasmuch as there would be runaway tenants.

There might be.

337. In that case, would it be possible, by a Barrister's Court, only meeting at the end of three or four months, to give the necessary protection to the landlord?

It would be difficult, certainly, but the Barrister's Court meets every three months.

338. Do you not think it would be necessary that the court should be the petty sessions court?

I do not; I would rather leave the law as it is than have it at the Petty Sessions Court, because the Petty Sessions Court is usually combined so entirely of one side that I think it would be disadvantageous to have it pass through the Petty Sessions Court. I would prefer leaving it as it is to that.

339. Then if you think it would not be safe to wait for a decision in the Barrister's Court you must be of opinion that the power of distress should continue as it is.

I think I should rather wait and take the risks of the Assistant Barrister's Court than have it as it is now; but I admit that there is a doubt and difficulty about it.

340. Earl of *Kimberley.*] Would not either the abolition of the law of distress or putting considerable impediments in the way of its exercise make it impossible for landlords to allow what is called in Scotland a "hanging gale?"

Certainly not.

341. What guarantee would the landlord have for recovering the hanging gale?

None, except the indisposition of the tenant to lose his land.

342. You think that that would be sufficient security?

In general it would, but the one would not absolutely do away with the other.

343. Supposing a tenant became bankrupt and owed a year's rent, and there was no law of distress, the landlord would have to take his share with the other creditors; he then might get only a shilling in the pound, might he not?

That is one of the reasons why I say I think the law of distress ought not to be abolished.

344. In point of fact, then, you agree with me, that if the law of distress were abolished, it would place the landlord in a great difficulty if he allowed the hanging gale?

Certainly, it would have that tendency; no doubt of it.

345. Would it be practicable, as a matter of management of estates, to dispense with the hanging-gale in Ireland?

It

It would be practicable, certainly; but I think it depends upon how that was to be done; if done by surrendering the hanging-gale altogether, it would be very practicable; if it was to be done by asking the tenant to pay it up, it would be very difficult.

346. You mean that it would be difficult to make a new start?
Yes; you cannot make a new start altogether. If it is forgiven altogether it would be easy to do away with it, but I think there would be a great tendency on the part of the peasantry to fall back again upon the hanging-gale, and it would be very difficult to keep them up to doing without it unless the law of distress were freely acted upon, which I have always disliked, and never acted upon at all, preferring always to depend upon the power of ejectment in cases of non-payment of rent. In a year's time a man's rent falls due, and you can proceed against him at once.

347. Would the power of ejectment be a sufficient security for the landlord?
Not to secure him for arrears that were due, except where there is tenant right.

348. *Chairman.*] The question of tenant right would then really come into operation?
Certainly.

349. That would recompense the landlord for any disadvantage he had suffered by it?
Precisely.

350. Earl of *Lucan.*] Do you not think that the effect of abolishing the law of distress would be very much to promote ejectment?
I think it would have a tendency to promote ejectments.

351. Therefore it would be, in point of fact, injurious to the small tenantry in Ireland?
Yes, in that sense. My opinion of the law of distress is simply this, that it is an extremely unpleasant law to put into operation, but it is sometimes necessary to do so.

352. Do you think that at the present time it is a power very much abused?
No, I do not think it is much abused now; it is very rarely acted upon. I can state a curious fact about it, that in the whole of the properties which I manage, for the last 20 years I have no recollection of having once exercised the law of distress, except in one or two cases, where I was pressed by the tenant to do it in order to save him from other creditors. I did not like doing it even in those cases.

353. *Chairman.*] Do not the tenants frequently try (I dare say, in the estates you are connected with without success) to sell a part of the crop of a farm to a neighbour, and is not the power of distress sometimes advantageously exercised with respect to a proceeding of that kind.
That has sometimes happened, but I have never exercised the power of distress, notwithstanding.

354. If it were necessary to use it, it would be a strong check upon it, would it not?
Yes; and I think if there was a decided fraud on a large scale it ought to be exercised; that is why I say I hesitate before abolishing it.

355. On the whole, you do not seem to be favourable to abolishing it?
I am not; but I would put it rather more under a public officer.

356. Do you think it would be expedient to give a tenant an independent right of property in registered buildings, subject to the landlord's right of pre-emption?
I presume you mean the right of removing the materials?

357. Yes; would it be advantageous to give him a power of erecting a building, more or less solid, without his landlord's consent, and of removing all the materials of that building, or as much as could be removed, if the landlord did not choose to buy it?

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I think it would be advantageous; I think it would be very little acted upon from the fact that materials in Ireland are of very little value.

358. Of course, in that case, both parties would require some sort of registry? Yes; we must have some proof of what has been done.

359. Earl of *Stradbroke.*] You appear to think that that case would be so rare that it would not occasion much difficulty to the registrar? Quite so.

360. *Chairman.*] I suppose it would only apply to a case where a tenant had built the whole of the premises? That is all I allude to; where the tenant has built the whole house from the foundation, the landlord should have the right of pre-emption, and if he did not purchase the house, the tenant should have the right to remove the materials.

361. I was not considering the case of a house, though it would apply to that, but such cases as barns or pigsties? Yes; any buildings which were built exclusively by the tenant, and at his cost.

362. I apprehend you would consider that such buildings might occasionally be of great use to the farm, although they might not be very acceptable or agreeable to the landlord if the lease was coming to an end? Then let the landlord buy them.

363. Lord *Dunsany.*] Though we may hope to see such buildings in future, do you know any at present built by a tenant; I mean a house, not a mere hovel or cottage; can you speak from your recollection of any house that was really built by a tenant, not a landlord, from the ground? I should say there were many such, but I do not at the moment recollect any; that is, good slated houses, built on a tenancy at will, and without assistance from the landlord.

364. Earl of *Stradbroke.*] Is con-acre practised on the estates you manage? To a very small extent; it is always very much objected to by me, and discouraged in every possible way.

365. I believe you would admit that in Ireland, where a person cannot sublet, he can con-acre, unless that is barred in his lease? I believe that is the case.

366. And where con-acre exists, unless the person hiring the land puts in manure, it necessarily, I suppose, is very detrimental to the land? Very; and in good grass lands, ruinous.

367. Lord *Meredyth.*] It is proposed by this Bill, where a landlord has once been put into possession under a *habere*, not after that to allow a redemption; what is your opinion upon that? I think that is a doubtful and a difficult point. For myself, I think I would give the power of redemption for a short period; not for six months, as at present, by which the land is left to lie utterly waste and valueless, sometimes for a year or more, but for, say one month, or some short period, so that the tenant should have a power of redemption of his land even after a *habere* was granted. I think the present system is extremely injurious, of having a right of redemption in six months, when the whole of the crops and everything is gone, and the land usually lies waste.

368. *Chairman.*] Would it not be as well to extend the whole process of *habere*, and the execution of the proceedings under the court, say for seven months, and have an end to it, instead of taking possession and then having to give it up again? It is possible that it might, but I think greater exertions are made when the *habere* is actually obtained, than would be made before the obtaining of a *habere*, and therefore I would give a short period afterwards for redemption.

369. The exertions you refer to are generally to borrow money, are they not? Either that, or to sell some of the produce, which would enable the tenants to redeem. I think the point is questionable, but I think it would be reckoned severe to have no power of redemption when once the *habere* was granted.

370. Lord

370. Lord *Meredyth.*] How would you best prevent waste, and secure the proper treatment of a tenement. By the present law the remedy is a magistrate's precept; do you think that effectual?

I think the magistrate's precept would be effectual, but I think the magistrate's precept should not be the final result, but that it should be referred afterwards to the assistant barrister. The magistrate's precept should hold good until the case could go before the assistant barrister.

371. Lord *Dunsany.*] That is as it does at present?

I think the magistrate's precept now goes to the Petty Sessions. I am proposing that it should be the Quarter Sessions, the county court.

372. Lord *Meredyth.*] In case of urgency would you allow the magistrate's precept to be effectual until the next Petty Sessions day?

Yes; until the next Petty Session day.

373. Or would you allow it to go over to the Quarter Sessions?

I think it ought to be brought before the magistrate in the first instance, and then before the next Petty Sessions Court, with a full power of appeal to the Quarter Sessions, or county court. Waste is a point upon which there is great difference of opinion, and it becomes a question of property. I think the magistrate should not have the final decision upon it; it ought to go before the county court, though he might put an embargo as it were upon the property in the meanwhile.

374. *Chairman.*] An injunction?

Yes, an injunction.

375. Lord *Meredyth.*] You would even remove it further than the Petty Sessions Court?

I think it would be advisable to do so.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, Two o'clock.

Die Veneris, 5° Julii, 1867.

LORDS PRESENT:

Duke of DEVONSHIRE.	Earl of STRADBROKE.
Marquis of BATH.	Earl of KIMBERLEY.
Earl of DEVON.	Lord DUNSANY.
Earl of LUCAN.	Lord SOMERHILL.
Earl of ROSSE.	Lord CHURSTON.
Earl GREY.	Lord MEREDYTH.

THE RIGHT HONOURABLE THE LORD SOMERHILL, IN THE CHAIR.

Mr. WILLIAM STEUART TRENCH, is called in; and further Examined, as follows:

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376. Lord *Meredyth.*] I THINK there is one rather important point, which we did not very satisfactorily get your opinion upon, and that is the question of improvement powers, and the compensation periods, which you would think to be desirable under an Act of this description. As it stands in the Bill, the first class of permanent improvements which is entered is "for the erection or complete reconstruction of any dwelling-house for the tenant, on the tenement." Now, in your opinion, derived from your experience in such matters, which must be, as we know, considerable, what would you think would be a fair period to allow for that?

I should say 25 years; that is for a dwelling-house, exclusive of offices.

377. Would you have any additional protection to the remainder-man, or do you think that, considering that it was for the improvement of the farm, it might be allowed to remain without any additional protection to him.

Yes, that is my opinion; but I do not feel myself a very good authority upon a point of law in the matter.

378. Of course, you are aware that any provisions of that kind must necessarily complicate a Bill of this description?

Such is my opinion.

379. "For the erection or reconstruction of any dwelling-house for labourers, the number of which shall not exceed one to every 50 acres, comprised in the tenement." What period would you allow for that?

Fifteen years is the period which, in my judgment, should be allowed for that.

380. Do you approve of the provision of allowing one labourer's dwelling-house to be erected for every 50 acres?

Yes, I think that is a very good provision; that means 50 statute acres, of course.

381. "For the erection or reconstruction of any buildings, not being dwellings, but as offices or outhouses necessary for the profitable use of the tenement;" what would you put for that?

Provided those are confined to stables, cattle sheds and byres, barns, pigsties, and other distinct buildings, for a farm of that kind I should say 15 years.

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382. *Chairman.*] You mean, of course, good slated substantial buildings?
Yes. The reason I put a less time than for the dwelling-house is, because in general the latter are only mere walls, and roofed with very little internal fittings up.

383. Lord *Meredyth.*] Do you think it would be possible to have a combined estimate for the dwelling-house and offices, calling it a homestead?
Certainly.

384. Supposing the two were to be combined in any way, what period would you allow?
These are mere matters of estimate, but I should say about 20 years.

385. Any "alterations in or additions to any such dwelling-house or offices as are not necessary for their maintenance, but as shall increase their value durably;" that is the next item; what would you say for that?
According to the description in the Bill, I should say about seven or nine years.

386. For "the reclamation of any bog or other waste lands"?
Fifteen years.

387. For "the making of any boundary fences"?
Those being very much subject to injury, I should say not more than five years.

388. "The protection of lands by embankments against any sea or river waters"?
If they are very well done, such as I have seen in Norfolk and other places, I should say from 20 years; but they are very much subject to utter destruction, and therefore I feel it hard to give a general average.

389. "The making of any farm roads"?
Five years for roads, they being subject to go out of repair.

390. "The thorough drainage of lands by stone or tile draining, or by the opening of any new watercourses"?
Fifteen years.

391. All those minor periods, that is to say, all with the exception of the 25 years for the erection of a dwelling-house, you think may be left so without any particular legislation for the protection of the remainder-man?
I think so.

392. Would you put any limit upon the outlay which may be expended upon these buildings, with reference to the size of the farm?
I understand you to allude now to a farm dwelling-house; and offices; in that case I would say from three to five years of the amount of the rental; three years if it is only a dwelling-house; if combined with the offices, I should say about five years; that it should not exceed five years is what I would wish more particularly to be understood.

393. Of the rental of the farm?
Yes.

394. For both?
For both.

395. *Chairman.*] I presume when you fix 15 years in your mind as the period at which improvements for the reclamation of land should be considered as exhausted, you had in your mind that there is a very great variety in the different characters of reclamation?
Quite so; and of course that applies to any of the answers I have given; these things must necessarily be subject to very considerable variations, according to the different circumstances in which they are placed.

396. Earl of *Kimberley.*] I find from a report of the Commissioners for Irish Public Works, just presented, that in the application of the new loan which has been voted by Parliament, of 1,000,000*l.* for improvements, this provision has been made: "The same Act" [that is, the Act of last year] "authorises loans to be made for the following purposes, in addition to those for which loans could be made under former Acts: the building or enlarging of farm dwelling-houses in connection with farm offices and buildings erected or to be erected; the

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the erection and improvement (by means of alterations or additions) of dwelling-houses for labourers; planting for shelter; the execution of all such works as in the judgment of the Commissioners may be necessary for carrying into effect any matter or objects hereinbefore or in the said recited Acts, or any of them, mentioned, or for deriving the full benefit thereof: It further provides that in certain cases loans may be repaid by a rentcharge, calculated at the rate of 5 per cent., payable for 35 years, instead of 6½ per cent., payable in 22 years. By the rules sanctioned by your Lordships" [this is addressed to the Treasury] "this provision extends to buildings of all kinds, clearing land of rocks, and planting for shelter. In all other cases provided for under the Acts, the period of repayment is limited to 22 years." Do you not think that there would be great convenience in laying down the same rule in this Bill as is laid down by the Treasury with reference to the loans which they grant as to the periods of repayment?

I do not see any particular objection to that.

397. How do you reconcile the very large difference between your calculation and that of the Treasury. You say that 25 years would be sufficient in the case of the erection of a dwelling-house, and that 15 years would be sufficient in the case of the erection of cottages, and the erection of other buildings not being dwelling-houses; whereas it seems that the Treasury take the view that it takes 35 years to repay them, at 5 per cent., and they make the loans for so long a period as that. Do you think that it would be just, that in the case where a landlord borrows money from the Government, he should have so long a period as 35 years for the repayment of the sums borrowed by him for the erection of offices, he having a permanent interest in the land; whereas, in these cases contemplated in the Bill, you would only give to the tenant, who has not a permanent interest in the land, such extremely short periods as you suggest?

I perceive the difficulty; it is one, perhaps, which I have not fully considered. You will recollect that in anything I have said, I have given merely a general rough estimate, without being aware that I should be particularly examined upon the necessary connection of the two cases. The only answer I can give to your Lordship's question is, that I think if the improvement is worth doing at all, it will be repaid in a much shorter time than is allowed under the Board of Works regulations; but I think it is a very liberal allowance on the part of the Government to offer so long a period. Besides, I think there may be a distinction drawn between what it would be put to charge upon a remainder-man, and what would be calculated to induce a tenant to build.

398. What amount of interest do you calculate that it would require to repay a tenant for erecting labourers' cottages, if he had only 15 years to repay himself in?

That is a calculation I could not enter upon in a moment.

399. Earl *Grey*.] Is there not this material difference between the two cases, that the Government loan is calculated upon the principle of being merely a loan, and repaying that loan at the rate of money at which the Government can borrow it, which is about 3¼ per cent.; but with regard to the tenant, the compensation is derived not merely according to the interest of the money, but to the increased value of the occupation which he holds, which is very much more than the interest of the money which is charged to the landlord?

Quite true; your Lordship has answered the question better than I could.

400. *Chairman*.] And is not it probable that, in framing that Act, there was this question of policy involved; that Parliament and the Government thought it desirable to encourage landlords to make such improvements for themselves, rather than trust them as heretofore to the tenants?

I quite agree with your Lordship, and that was just the point I mentioned when I said it was a very liberal offer on the part of Government.

401. Earl of *Stradbroke*.] Would it not be desirable to give to the landlord the alternative, either of 35 years or of 22½ years, whichever might suit his interest best?

I think so, but the period desirable for repayment has been very much disputed. I rather incline, without being able to go into accurate figures for it, to the opinion I have just given, but I think that what was done by the Government in that case was, as I stated, a very liberal offer, and was done

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with a view to give greater encouragement to landlords to expend money under those circumstances.

402. Lord *Meredyth.*] The Treasury loans were for all cases; the present enactment is as regards the liability by the remainder-man?

What I have said in any answer that I have given is with reference to what I think it would be advisable to put in the Bill, so as to secure the remainder-man.

403. Earl of *Kimberley.*] If you think it was fair and desirable that the Government should lend money upon easy terms and for long periods, for the purpose of encouraging landlords to improve their estates, would not the argument be equally strong that it is desirable to deal liberally with tenants, in in order to encourage them to improve their estates?

Yes; but I think the remainder-men might object.

404. Might not remainder-men object also in the case of landlords borrowing?

Yes, no doubt.

405. Wherein lies the difference?

I cannot see any great difference, except that better work might be expected from the landlord than the tenant.

406. You stated that you thought from 20 years was a fair term for compensation for works for the protection of land by embankments against any sea or river waters, and you alluded to embankments such as you have seen in Norfolk; do you think that a tenant would undertake works such as you have seen in Norfolk, with the prospect of the repayment being in from 20 years?

No, I do not think it is likely that he would. The reason I put so short a period as that, is on account of the uncertainty of embankments. If it could be, I may say, guaranteed or secured that the embankment was permanent and a really good work which the sea was not likely to break in upon, I should nearly double that number of years.

407. Perhaps you would rather be of opinion that such very extensive and considerable works should not, as a general rule, be undertaken by tenants?

That is my opinion.

408. Earl of *Stradbroke.*] Were you referring to embankments from the sea, or were you referring to embankments against the overflow of rivers?

I was alluding to sea embankments.

409. As we are aware that almost every case of a river would differ from its neighbouring case, what periods would you think best for embankments of rivers, taking a scale from such a number of years to such a number of years?

I think it would be almost impossible to give an accurate scale, in consequence of the varying circumstances of rivers. I have seen some on which a very small amount indeed had been expended, which protected the meadows completely from all injury, and in other cases the amount would be very large. I think it would be almost impossible to give an accurate statement upon that point.

410. Lord *Meredyth.*] I ought to have asked you as regards the amount of expenditure which you would allow upon other improvements as well as upon farm buildings with regard to the size of the farm; take, for instance, drainage?

I should say about 4 *l.* 10 *s.* a statute acre in difficult cases, to 5 *l.*

411. What amount would you allow to be laid out or charged upon a farm, having regard to the remainder-man, as compared with the rent. You mentioned, I think, in the case of the building of a farm-house, from three to five years' rent, did you not.

I did.

412. With regard to drainage, what would you say?

Is the charge for the drainage work to extend to the whole farm, say of 100 acres, or only to that portion of it which needs drainage?

413. The charge will be of course upon the remainder-man with regard to the whole farm.

I think there is a difficulty in that. In the Queen's County, where I have had

had the superintendence of an expenditure of about 120,000*l.* in drainage, I think the average cost was 5*l.* 5*s.* per acre, but it was done under very difficult circumstances in the time of the famine. I think that generally, under ordinarily favourable circumstances, now, we can drain at 4*l.* 10*s.* a statute acre, and I would take in general the smallest amount.

414. *Chairman.*] Taking the fair price, and putting out of the question the extra expense which the exigencies of the moment required, has that drainage, do you think, answered? As a matter of profit, have the proprietors of the land been remunerated for it?

I should say so, decidedly. Lord de Vesci, I see, is not here, but a large portion of his lordship's estate was drained at that time, and he is well satisfied with the result, I believe.

415. Lord *Meredyth.*] Would you put any limit then, and if so, what limit would you put, in the case of drainage?

I am not prepared to state that. I do not clearly understand the question.

416. *Chairman.*] There is this difficulty, is not there, in putting a limit, that you may undertake the drainage or reclamation of some land that at this moment is worth really nothing, except for the unopened capabilities which it may contain; and there is other land which perhaps may be more advantageously drained by a large outlay, but which, at the present moment, is of considerable, though not of its full value; and I apprehend it is difficult to make a limit in the first case, because you have no rent already fixed to go by.

Quite so; and I would wish to call your attention to this fact, that very recently, under my own superintendence, land has been drained for Lord Lansdowne, which I consider has been raised from about 10*s.* an Irish acre to 50*s.* an acre in value; and land costing about the same sum of money has been drained for Lord Digby, which, if it had not been afterwards followed up by tillage and other works, would scarcely have been worth 5*s.* an acre, but having been followed up by other works, there has been a great improvement put upon the land. The drainage enabled them to do what otherwise could not have been done, and the land is now very valuable, worth from 25*s.* to 30*s* per Irish acre.

417. I would put another question. Supposing that a man had a farm of 100 acres, and that there were 20 acres adjoining it which required a considerable outlay; as it must always be more or less a matter of speculation what the ultimate value or profit arising from that outlay would be, how far would you allow the tenant for life to charge the whole 100 acres or 120 acres as it would become, for the acquisition or improvement of the 20 acres.

That is a difficult question; it is a farmer's question, and a very difficult one.

418. I thought you might like to put a limit of rent; supposing the rent of the 100 acres to be 100*l.*, you would, I presume, not allow him to go above 200 *l.* to 300 *l.* upon these 20 acres; in that proportion it would be only two or three years' rent; it is, as you say, a difficult question. I wish to know if you have arrived at any limit in your own mind as to the proportion to his whole rent to which you would allow a tenant for life to improve?

I cannot give a well-considered answer to that question, but I should say about two years' rent. Take the 20 acres at 5 *l.* an acre, it would cost 100 *l.*; that certainly would not be too much to put upon the general improvement of the farm; but I have not considered the subject sufficiently to say whether more should be put on it or not.

419. Earl of *Stradbroke.*] I will take Lord Lansdowne's case. Supposing 50 acres were worth only 10*s.* an Irish acre previous to the drainage, and since the draining they are worth 2*l.* 10*s.* an acre; how many years should you think it necessary then to allow a tenant before he cleared off the whole amount?

That is a matter for further consideration; I would rather not give an opinion upon it hastily.

420. Earl of *Devon.*] I understood you to say that you thought the amount should not not exceed from three to five times the annual value before improvement, and that the compensation period, in the case of a dwelling-house, should not

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not be more than 25 years; did you intend that observation to apply to mountain land as well as lowland?

Yes; provided that the house built upon the mountain land was suitable to a mountain farm; of course a vast extent of mountain land, according to the ordinary acceptation of the term, should be allowed to a house, as compared with that which, under reasonable circumstances, would be suitable in the case of a lowland farm.

421. But I suppose it would be a reasonable thing to say, that there is a good deal of dry mountain land in parts of the south-west of Ireland with which you are acquainted, which does not at present, in its unimproved state, yield more than 2*s.* 6*d.* an acre?

Quite so.

422. Take the case of a farm of 50 acres, yielding 2*s.* 6*d.* an acre; do you think that three times that aggregate sum would be sufficient to be expended in a decent slated house for the proper occupation of that farm?

No; because I would not, under any circumstances, build a house upon 50 acres of unreclaimed land, without an engagement that that land should be reclaimed, and therefore you must calculate what the improved increased value would be as well as the present value.

423. The increase in the value by the reclamation of the land would take a considerable time, and the building of a house would require a present outlay; that probably would not allow above something like 100 *l.* or 110 *l.* for a farm-house, and such small buildings as would be required for the occupation of that farm; do you think that that would be sufficient inducement to a tenant living, perhaps, on such a farm in thatched premises, to expend an adequate sum for the benefit, be it borne in mind, of the property of the remainder-man, unless he had a larger sum allowed him, or a longer period than you propose to give him?

No; but when I gave my opinion, I was talking of land at a reasonable rate, upon which a tenant could live without such enormous improvements as would be necessary to be made upon a mountain farm in order to enable a tenant to live upon it.

424. Practically you addressed your observation to low-land, and to improved land?

Yes; to fairly improved land which the tenant could enter npon at once. The improvement of mountain land becomes, in fact, the creation of a different soil. I have myself twice got medals for the improvement of the largest quantity of mountain tracts in Ireland. Many of the acres were not worth 1 *s.* each, which are now let for 25 *s.* and 30 *s.* an acre; 100 acres of that land were only worth 5 *l.* I could not have thought of building a house worth only three years' or five years' purchase upon that.

425. Supposing there was such a farm as you have described, belonging not to a proprietor who could expend money, but to a landlord who could not, but who happened to have tenants who were anxious to do something towards the improvement of that farm; would not it be desirable in such a case to devote something more as an inducement to the tenants to improve it than the period you have named affords?

Certainly; but that would be in prospect of great improvements which I presume he would make agreements that his tenants should make, and therefore you must take an average time.

426. Would not the erection of a slated house and slated buildings for cattle be an improvement which would be valuable to any man who should succeed afterwards to the estate?

I think a suitable house for a tenant to live in, such a house as all tenants ought to be housed in in Ireland as well as in England, would not be a house which it would be right to build on 50 acres of unreclaimed land without suitable arrangements being made for the reclamation of the land.

427. Earl of *Kimberley.*] You are acquainted, no doubt, with the Act which is known as Mr. Cardwell's Act, the Act of 1860?

Partially, but I am not very well acquainted with it.

428. Are

428. Are you aware that by that Act a period of 25 years is fixed as the term for which a tenant may have an aunuity in respect of money expended by him for the following improvements:—for "the thorough drainage or main drainage of lands; reclaiming bog land, or reclaiming or inclosing waste land; the making farm roads; irrigation; protection of land by embankment from inland waters; the erection of farmhouse or any building for agricultural purposes suitable to the holding, or the enlarging, or the extending of any such farmhouse or building erected or to be erected thereon, so as to render the same more suitable to the holding; the renewal or reconstruction of any of the foregoing works, or such alterations therein or additions therto as are not required for maintaining the same, and increase durably their value"?
I am aware of it.

429. Has that Act had any considerable operation?
Not a single case has ever come before me in which application has been made under it.

430. Do you think if by this Bill we were to enact a much shorter term, as you have suggested, it would be probable that it would have any effect?
No; I do not think there would be much effect resulting from it.

431. Would not such an enactment as you have suggested be considered by the tenants to be wholly illusory?
I do not know that it would be considered by the tenants to be wholly illusory, but I do not think that it would be generally acted upon.

432. Do you think that it would be acted upon at all?
Not under present circumstances. When the country got into a more peaceful and quiet state, and when matters were settled down a little more than they are, and when there was less expectation, I might almost say, of a confiscation of property, I think it would; at present I think it would not.

433. Do you not think that the fact that an Act of Parliament now exists, which gives a much longer term than that which you suggest should be given by the new Act, would prejudice every one very much indeed against the shorter term enacted at the present time?
It would have that tendency with some.

434. It would seem as if a concession already made by the Legislature was to be recalled, would it not?
A concession made by the Legislature under some circumstances might be refused, when even less concession, under other circumstances, would gladly be availed of.

435. What other circumstances do you think there are now in Ireland which would make it probable that tenants would avail themselves of the power of spending money upon the landlord's estates, when they had a much shorter term for getting the benefit of it than they have under an Act which they do not now avail themselves of?
I think the expectations of the tenants in general, in Ireland, have been raised by agitation, and by hopes that have been delusively held out to them to such a point that they would not now avail themselves of reasonable ligislation; but if matters were more peaceable and more quiet, and if the tenants were more reasonable in their expectations, they would gladly avail themselves of it; and I think under those circumstances, a very different class of improvements might be carried on.

436. Earl of *Devon.*] Are we not to deal with the existing state of things, and do the best we can under present circumstances?
Certainly not; I would not always deal with the existing state of things in a permanently legislative point of view. If I see the whole country in a turmoil, I would not legislate for it with reference to permanent enactments; of course, I would legislate for it temporarily, but not permanently.

437. Earl of *Lucan.*] Then, if I understand you rightly, one of the reasons which you give for Mr. Cardwell's Act not having been taken advantage of is the state of turmoil of the country.
I think that to a great extent prevails; they have larger expectations than anything which that Act confers.

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438. Is not what you mean, that it is in consequence of the agitation of the tenant-right question, chiefly.

I do think that that is one of the great causes why that Act has not been taken advantage of. The tenants entertain larger expectations.

439. Lord *Dunsany.*] Are you aware that with regard to the compensation period for reclamation, you name a shorter period than was named in any of the proposed Bills, either Government or Private Bills?

Yes, as regards the charge on the remainder-man.

440. Do you contemplate what may be called "absolute reclamation;" that is, giving value to land which has no letting value at present, or do you speak rather of the improvement of bad land; you fix 15 years for the compensation period, which appears to be a very short term for absolute reclamation?

"Reclamation" is so wide a term, that it is difficult accurately to define what is meant by it. I mean rather what is considered very large and great improvement, and not absolute conversion, as in my own case, of land from 1 *s.* an acre to 30 *s.* an acre; however, that so rarely happens with tenants, that I do not give my answer in contemplation of it.

441. Earl of *Stradbroke.*] Would not the period of time vary in all cases, first with regard to the benefit which would ensue from the drainage, and secondly, the consequent increase of profit in money which the tenant would get from it?

Yes, necessarily.

The Witness is directed to withdraw.

Mr. UNIACKE RONAYNE MACKAY, is called in; and Examined, as follows.

Mr. *U. R. Mackay.*

442. *Chairman.*] I BELIEVE you reside in the County of Cork?

I do.

443. I understand you occupy a good deal of land which you farm yourself?

I occupy something over 600 acres.

444. Is that your own property altogether?

No; I have some land that I own in fee, but that is land that I rent.

445. How much do you hold as tenant?

I hold as tenant 610 acres.

446. Earl of *Lucan.*] Irish or English acres?

English statute acres.

447. *Chairman.*] You have been for a considerable time occupied in farming, I believe?

It is my pursuit altogether.

448. Have you turned your attention much to the laws and statutes affecting the present state of land tenure and land occupation in Ireland?

I have. Everything that has been suggested about it, even this Bill in its infancy, I have read very carefully, or rather the headings of it.

449. Do you consider the present condition of the laws in Ireland satisfactory in that respect?

No, I do not.

450. Will you point out to the Committee the points in which you consider they require amendment?

I think that to renovate the condition of the Irish people, a Compensation Bill would be what would be required; I mean a Bill to compensate the tenantry for any increased value they might create in the land.

451. Would you recommend the compensation to be chiefly by extended tenure, or by money compensation?

By extended tenure, if such could be adopted or continued?

452. Are

452. Are you in favour of the improvement being made by the tenant, or by the landlord?

I think by the tenant, and I believe there is enough of agricultural industry and spirit and capital in Ireland to make all the necessary improvements, if there was compensation.

453. Is the land in your neighbourhood very much subdivided; are the holdings generally large or are they small?

In the valley of the Bride the holdings vary from 10 to 300 acres, the larger farms predominating.

454. Are they grazing farms, or are they tillage farms?

No, mixed farms; that is, in the particular locality in which I reside; in the west of Cork I hold a farm which is a grazing farm, or rather a dairy farm.

455. Is that grass land of an unimproved character in general?

A good deal of it is in the barony of Du-hallow; I should say that it would occupy the surplus population of Ireland for their natural lives to bring even that barony alone to a proper state.

456. You consider that it is capable of so much improvement?

It wants draining, and it wants subsoiling; the subsoil is of a very retentive nature, and where draining has been carried out, and where subsoiling has not been perfected, I do not believe that the draining has had the effect of improving the land at all; strange to say, you will think it paradoxical, but unless the land is subsoiled after the operation of draining, you do not get the good of it. In summer, that which causes grass to grow, the water latent in the soil, is not there; that is carried off; but then the action of the sun upon the crust is so great that you have no herbage at all. Without having both operations carried out, subsoiling as well as drainage operations, it would be better to leave a considerable portion of the lands in Ireland in a state of nature.

457. Have most of the occupants of those farms occupied them for any length of time, or has there been a change of tenancy of late years; I allude particularly to the time since the famine; you are probably aware that there has been a good deal of change of tenancy in many parts of Ireland since that time.

I am aware that there has been, but since then there has not been much change with us, because at that particular period a good many agreements had been entered into which still exist, but which are, I believe, now approaching or drawing to a close. Leases for 21 years, 25 years, or 31 years had been made at that time. I know on a small property of my own, a middle interest, I gave leases at that time.

458. Then leases, such as you describe, of from 21 to 31 years, are common in that part of the country, are they?

No, indeed they are not common, they are the exceptions.

459. Have the tenants whom you have described, who hold so little as 10 acres, leases of that character?

They have; at least they had from me, or I should rather say, to correct myself, they were agreements for leases at the time they got their land, and they have not executed those leases. I refer to a property that I have an interest in, that is in my family.

460. The leases had not been made in those cases?

Agreements for the leases were made at that time.

461. You say that that is not common in the country; do you mean to say that the greatest portion of the tenants hold without lease?

I should say so.

462. Lord *Dunsany.*] Or agreement.

Or agreement.

463. *Chairman.*] Do you think written contracts, such as are promoted by this Bill, would be desirable.

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Most certainly; I think it would, as far as I can understand it. There are some things in the Bill that I should have a very considerable objection to, not as regards my own class in life, large agriculturists, but I think, to meet the wants of the smaller farmers, it would be desirable to have some provisions expunged, and perhaps a little added.

464. Has there been a great difference in the matter of improvement between different tenants in your neighbourhood, some having improved much, others little, and others again not at all?

Yes; wherever they have a good landlord, a member of the aristocracy, for instance, and ability, as far as I know, they are careless about having any agreements or engagements then.

465. Have the men who have those leases, for from 21 to 31 years, expended much money in improving?

They have in this way. When a tenant goes into the occupation of a farm, or when his lease is renewed, he goes to work, you may say, for half the term improving, going up, up, up; and towards the end of the term he goes down, down, down, and by the time the term is expired the landlord will find himself in the position that his rental is not increased.

466. Then the improvements are not permanent?

It is a system of backing and filling, to use a nautical expression; going forward during one period, and going backward during the other. From my experience, as having to do with the land in both relations, owning some and renting more, I do believe that if the Irish people got 50 per cent. on the actual increased marketable value that they would create in their land during their occupation of it, they would be satisfied,—at any rate for myself I say this, that I would cheerfully concede to any tenant I have, and gratefully accept from my landlord, a settlement of the question in that way, constituting the landlord, a sleeping partner, in fact. It is only applying commercial principles to that transaction. Nothing can succeed in this country, in my mind, without mutual co-operation.

467. If I understand you rightly, I may illustrate your answer in this way, that if the land is improved to the amount of, say, 2*l.* an acre, the tenant would be satisfied if he paid 1*l.* of that in rent to his landlord?

No, it is not that.

468. I thought you said 50*l.* per cent.?

If you let me land for 100*l.* a year, and if I increase that to 200*l.* a year, a thing which on four-fifths of the land in Ireland is quite capable of accomplishment, at the end of the tenancy, when it is worth 200*l.* a year, the value having been doubled, I come to you or your representative for a renewal, and I say, "This land is worth 200*l.* a year, and at that value I freely bid for it on a lease for 31 years; then the future rent is to be 150*l.*, thereby dividing between the landlord and the tenant the increase which is the result of my application and industry on your Lordship's land. Your Lordship's rent is increased by 50 per cent., and I have a beneficial interest in the farm for 31 years more. Then, if the maximum value had been attained at that time, it would remain so. At the end of the 31 years your Lordship's rental is doubled without costing anything, by means of the tenant's interest.

469. Supposing a 31 years' lease, and supposing that the tenant has had his improvements completed for 15 years, he has already, when the lease expires, had 15 years' enjoyment of his improvements clear over and above his rent, and the landlord has had nothing for that?

But at the end of the tenancy, according to my principle, he will have a benefit from it. You know self-preservation is a law of nature; everybody will try to place himself in as good a position as possible.

470. Does tenant-right prevail in any part of the country in your neighbourhood?

No, I know nothing of it, except on the property of the late Marquis of Thomond, a title which has become extinct, as you are aware.

471. It

471. It used to prevail on that property?
It was not recognised, but it existed, and along the sea coast there. I have known as high as 18*l.* paid for the tenant-right or the occupation of one acre of land; but then that was quite exceptional, being on the coast.

472. Do you approve of the custom of tenant-right?
I do indeed, as far as I understand it.

473. Do you think it might be recognised by law?
I think it might. Looking to the interest of the owner, I would much rather give the occupier a share in the improvements that he would create than have the tenant-right of Ulster extended to the entire country. "The labourer is worthy of his hire," and if a man makes an improvement he should get the benefit of it. According to what I propose, if I create a claim upon your Lordship for 1*l.*, I shall have to put 2*l.* into your purse, out of which you can discharge that claim. I believe the principle prevails in the south of France, in some of the provinces there.

474. Do you think that the compensation is a matter that can be advantageously settled by law?
As to what I propose, I really think it could be settled without the interposition of any third party at all, lawyer or otherwise; and in this way it would have the effect of stimulating the industry of the tenant decidedly, and at the end of the tenancy it would have this effect, that it would induce him to offer the maximum value for the farm. Nobody could know what the value of it would be better than the occupier who had spent his 20 or 30 years on it, as the case might be. He proposes a certain rent, and then it rests with the landlord to accept or to reject the offer. If the landlord considers that the tenant is not offering the full value for the land, he has merely to say, "I will put it in the market;" and perhaps he will get an outsider to come in and offer more money. That is the curse of Ireland—the bane of Ireland—the agricultural adventurer, who comes in, and who, by offering an extravagant rent, excludes me (I am now speaking as a tenant) from the chance of getting a renewal.

475. Practically, of late years, has that taken place much in the part of the country with which you are acquainted?
It has, with respect to the good lands of the country; for the tendency now is to abandon the indifferent lands—the second, third, or fourth class lands; the tendency is to the good vales, and that is why, in my opinion, the value of the land still rules high in Ireland, at least with regard to farms.

476. In your answer with respect to persons coming in to offer a high rent for lands, do you allude to grazing farms, which may be taken by a man of large capital, and who does not reside upon the farm, or do you allude to tillage farms?
I allude to the general run of the farms of the country.

477. On which the tenant resides?
Yes.

478. In point of fact, has that happened much in the part of the country you are acquainted with?
It has, and it has given occasion to a great deal of pique, and worse than that between families and other parties.

479. I thought I understood you to say that there had not been much change of tenancies of late years?
That is because the tenants who are in the country are absorbing the lands of those who have left, who have emigrated.

480. There has been a considerable emigration, then, has there?
There has been some, not considerable as yet, but I think there must be from the expectations held out by those who have gone before from Ireland, and who are anxious that their friends should follow. I wish to add an observation with regard to this principle of mine, if the Committee will let me do so; it is this: when I propose at the end of the tenancy, as tenant to your Lordship as landlord, the maximum value of the land, then, perhaps, an

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outsider will come in and propose a higher rent; in that case I would say that the tenant, who had created this improved value, should be entitled to get 50 per cent. of the difference between the rent which he paid and the rent which the new man would give, or would propose to give. My plan would put a pressure upon the tenant to go up, and place the maximum value upon the land, and upon the landlord to come down to meet the tenant.

481. How would you propose to appraise or value the improvements which really had been made by the tenant?

I would leave it to the marketable value, and I would have no valuation and no appraisement at all.

482. But the marketable value might be affected by a great many considerations with which the tenant would have nothing whatever to do?

I believe, according to the tendency just now, from the flight of the European population (I confine my observation, however, to Ireland), in consequence of the immense extent of land now being brought into cultivation on the American continent, that the value of land must go down in Europe.

483. Practically, has that occurred in Cork; do you suppose that the fair value of land in the county of Cork or in the barony of Duhallow is lower at this minute than it was 10 years ago; I do not mean, by taking 10 years, to take a particular year, because I believe land was extraordinarily high in the year 1856; I mean, taking a fair run for a lease?

As I mentioned before, the tendency is to get into possession of well circumstanced farms in good localities and with good soil; these lands maintain their old value, I think, but in the case of third-class lands I am sure the tendency is downwards.

484. Do you think that the rents of the small farms have diminished?

I know, as far as I am concerned myself in a very small property I have, that the rents have considerably diminished, so much so that the lands are now held at the Ordnance valuation.

485. They were held higher before?

They were held considerably higher before.

486. With reference to the emigration you talk of, have you known, of your own knowledge, many tenants give up their farms of 10 acres, say from eight acres upwards, for the purpose of emigrating?

I have.

487. Earl of *Stradbroke.*] In many cases?

Not in many cases; I am receiving rents varying from 1 *l.* to 140 *l.*, or thereabouts.

488. Lord *Dunsany.*] When you use the word acre, do you speak of Irish or English acres?

Statute acres. Those rents are paid as punctually as any commercial bill is met in London; they hold the lands at their value.

489. *Chairman.*] Have you known those persons give up those lands for the purpose of emigrating?

No.

490. Earl of *Stradbroke.*] Is it not notorious that the emigration proceeds from the lower or labouring class, and not from among the farmers as a rule?

Whenever a farmer is shaky, he generally turns his thoughts to the west.

491. Practically, is not it the case, not only in Cork, but in all the adjoining counties, that the people who emigrate are not farmers, but are those whom we should call servant boys and servant girls?

Yes, precisely. There is a dearth of labour prevailing at present, and I do believe that the real crisis to the Irish agriculturist, in fact, that which will completely annihilate him, will be the want of labour in the country.

492. *Chairman.*] Then I do not understand you to say that any solvent tenant is inclined to go now, or any one, in fact, above a mere labourer. No solvent tenant holding about eight acres or upwards is inclined to throw up his land to emigrate, with a few exceptions, is he?

Of

Of course I do not know the thoughts of others, but my own I do know, and I have been turning it over very seriously in my mind whether I should not leave, and go either to the Colonies or to the States of America, and settle down there.

493. Because you consider farming in Ireland a bad and unprofitable business?

I think the future of it looks very gloomy indeed.

494. You spoke just now of farming adventurers who paid high rents; in most cases have not those men made their money in other farms, not by trade?

I have known an instance, at least it has been related to me (I do not know whether I am warranted in repeating it here; I am not going to mention names), of a party who had a little money left him, some 100 *l.* or so, and who borrowed a few more, and went, and, by bidding an extraordinarily high rent, got into possession of land. It is quite a common practice to borrow money to settle a younger son of a farmer in a farm, and to trust then to a matrimonial speculation to get out of debt.

495. That money is borrowed in any way, in the neighbourhood generally, is it not?

It is borrowed from the first, second, third, and thirtieth cousins.

496. But I presume the lenders, although they may be connected or related, consider that they have some security; they look to be repaid?

If you only look at the banks of deposit in the country, you will see what a thundering dividend they are paying; you have no idea of what a fictitious thing farming in Ireland is, the getting settled and getting married, and all this sort of thing. It will take a generation to understand it fully.

497. Practically, the people who lend the money expect that they will get back the principal, even if they do not get high interest; but is not money sometimes borrowed for the cultivation of land paying a high interest?

I do not know of any instance where high interest is paid for money, when it has been borrowed for the purpose of settling a member of a particular family in a farm. In fact, up to the present time, there has been such a desire for land in Ireland that everything has gone far beyond the real actual value of the raw material.

498. Has not that desire been a great deal created by seeing the profits that have been made out of farming?

No, I do not know of any profits. I have had very good farms myself; and I am sorry to say, though I have devoted my attention to farming, and have studied it, I do not find it at all profitable. Were I to let the farm I have referred to, of 300 acres of land, to-morrow, I should not have a shilling for my time or for the capital expended on it.

499. It has been mentioned by persons who have carefully considered this matter, that for want of sufficient compensation, either by fixity of tenure or otherwise, tenants have avoided expending very considerable sums of money that they had to expend, and would have expended, if they had thought the security good as to tenure or as to compensation?

It has had that effect in my case. I have had the tenure which my immediate predecessor got; he expended money to the amount of one-half of the value of the fee.

500. Earl of *Stradbroke.*] How many years was he expending that sum of money?

Probably it was expended within the past 40 years; the farm was taken in the palmy days of protection.

501. *Chairman.*] Your own case does not, probably, apply to what I mean; but in most of those cases, has not the very money that has been lent to establish a younger brother, or a cousin, or a relative in a farm; that is, what has been paid to get into possession of land, been money which has been made by farmers?

Of course, the only way to realise money in Ireland amongst the agricultural classes is by farming; it has, I believe, been made by farming.

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502. It has been said in public, as you probably may have seen, that the farmers of Ireland have had several millions, I believe as much as 15,000,000 *l.*, in the Bank ?

Yes. I think, in the year 1860 or 1861, the deposits in the banks amounted to 6,000,000*l.* or 7,000,000 *l.*; and at the present day a Government official, in the House, lately said, that they amounted to 17,000,000 *l.*, I think, in five years. But the depositors in the banks are not classified; that is the amount of money deposited by the entire nation, including commercial people, professional people, and landed proprietors; and all that is put down to the credit of the farmers. I do not believe in the existence of any such money; but if the farmers possess two-thirds of it, or 12,000,000 *l.*, it is not really the annual value of the kingdom; it is not even giving the poor fellows one year's rental to have by them for a bad day.

503. Earl of *Stradbroke.*] That would be their balance in hand ?
I mean for their balance in hand.

504. *Chairman.*] You stated just now that you had known cases where tenant-right had been allowed, and where as much as 18 *l.* an acre had been given to get into possession of land; was not that given by some of the farming community ?
It was given by a man who was partly a farmer and partly a fisherman; it was a small wedge of land upon the coast; it was quite exceptional; but upon that property the value of the tenant-right was about 5 *l.* per acre. However, the result was this: the proprietor, the late Marquis of Thomond, died, and having no representative the property was sold, and I witnessed at that sale as cruel a scene as a man could witness. The tenantry had no leases; they were indifferent about them; they thought no ill could betide them, having such a good man as their landlord. I saw at the sale in Dublin, in the Encumbered Estates Court, a man, with his friends round him, who had a small farm that he had improved upon the coast, and they had actually to drag him out of the room, so that he should not commit himself by bidding up and trying to purchase this little spot in fee. After taking with him all the money that he possibly could manage to borrow or to raise in every possible way, he failed in effecting what he desired, and he went away to America. I do not know what has become of him since.

505. He went away voluntarily ?
Of course he did. The place has been bought up by the person who is going to convert his little house into a bathing lodge.

506. Then his giving up the land was not voluntary; he was evicted ?
Yes.

507. Lord *Meredyth.*] Was that a sale under the Encumbered Estates Court ?
Yes, under the Encumbered Estates Court. I believe he has left the country; he has either done that, or settled elsewhere. I rather think he has emigrated, but I am not quite sure. I lost sight of him some years ago; it was in the year 1852.

508. *Chairman.*] That man had made no contract, and held no lease or written agreement ?
No. I held land upon the property, and I believe I was an exception. I had the honour of being acquainted with the late Marquis, and he very kindly made an exception in my favour, because of some handsome buildings and improvements which I had put up upon his land.

509. But if the practice on that estate had been to have contracts, such a case as you mentioned probably could not have occurred; I apprehend the man would not have made improvements without having them mentioned in his lease ?
I had a lease.

510. I meant the person who went away ?
The person who went away had no lease.

511. To put it more generally, if the practice had been to give leases, none of those cases could have occurred?
No, certainly not.

512. Do you not think, practically, that improvements to be made by a tenant could be as well provided for by contracts and written leases as by any general statute law?
I do believe that. As far as I can understand this Bill, I think it has been very carefully arranged. I am no lawyer, and it is a large affair to go through. There are two or three particulars which are objectionable in it; all the rest, as between man and man, I think would be very fair. But the very system which this Bill would promote exists on many properties at present, and as far as my casual observation goes, I cannot see, from looking over the face of the country, that there has been any improvement such as would increase the landlord's rental; for I take it that that should be the effect of legislation, to improve the interest of the two classes, to increase the rental of the landlord, and the capital of the tenant.

513. Earl of *Strdbroke.*] Do you not think that the landlords' estates generally have been considerably improved in the last 10 years as regards the condition and general appearance of the land on the estates?
Where these leases for 21 years exist; when they come to an end, the system is a valuation in which the tenant has no part; the landlord deputes his agent to value the farm. The fact is, whether rightly or wrongly, the tenant in possession is anxious to get the renewal of the lease of the farm at as low a rate as he can, and he will not keep the land up to its full fertility.

514. For fear that he should be raised too much in his rent; is that the reason?
For fear that he should be raised too much in his rent, dreading the valuation of a gentleman whom he considers an inexperienced valuator; that, in my mind, is the reason for it.

515. *Chairman.*] Could not that be very well provided for in leases and contracts; a lease or a contract need not necessarily be for 21 years?
Of course it can, but with the general run of landlords in Ireland, I do not think that particularity exists or that desire exists now; I am speaking on a public question, and I wish to conceal nothing; I come here to give my opinion; of course, as I mentioned before, people were indifferent about leases on estates belonging to noblemen, or gentlemen of large property as well as noblemen, as long as they fancied those estates would continue in the hands of those noblemen or gentlemen; but, generally speaking, land has been so broken up now, that unless there is a measure passed giving compensation to the tenant, I do not believe you will see at all that improvement in the country which we should wish to see, an improvement that would keep pace with that of this and other countries.

516. How would you establish by statute what were the tenants improvements; would you propose that he should make those improvements without giving any notice to the landlord, and that the landlord should take no cognizance of them until the lease expired?
I would, but in the way I have said; at the end there would be a large bonus held out to the landlord for his consent, for instance; on the farm that I occupy, as I mentioned a while ago, fully one-half of the fee simple value has been expended in improvements.

517. Earl of *Stradbroke.*] In 40 years?
It was expended immediately after, probably in 10 years after, the place had been orginally taken; after these improvements were effected, there came the Ordnance valuation, and strange to say, notwithstanding the expenditure of 10 *l.* per statute acre upon the land, the rental is considerably in excess of the Ordnance valuation.

518. In consequence of that expenditure, have you not had a very increased result in the crops?
Were it it not for that increased result the thing could not be kept at all.

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519. *Chairman.*] If the expenditure was laid out in 10 years, there were 30 years' benefit from that expenditure?

But you see, so fond was my predecessor and relative of his native country, and so anxious was he to remain in it, and to have land in it, that he took the farm at this enormously high rent, and expended all this money upon it in building and planting and judicious improvements, filling up quarries and draining, and so on; and yet after making all those improvements, when the land was valued by the Ordnance valuators, Sir Richard Griffiths and his staff, notwithstanding the improvements, the rent now is very nearly one-third over the Ordnance valuation, and this is an every-day case.

520. Is that the full fair rent of the land?

In its present improved state it would, of course, bring that rent.

521. And not more?

I do not think I shall get a great deal for my interest in it after the improvements, the rent being so much in excess of the Ordnance valuation. The fact is, the rents are too tight in Ireland.

522. But if the tenant who made these improvements had made them under a contract, he would have calculated, of course, either that he was to have an extended tenure, or he might have agreed with his landlord for other compensation, according to the nature of the contract; in short, if he had made a contract before he set about the improvements, neither party could have complained, supposing them to have well considered the contract before they entered into it?

There is no choice in Ireland; if you want land you must take it at the terms the landlord will be pleased to give it you at.

523. Earl of *Kimberley.*] If you want to purchase anything, are you not obliged to give the price the seller puts upon it?

No. If I want an article in London, if I do not get it to suit me at one establishment I can go to another; but if I want a farm I have no choice; there it is; I must either take it or leave it alone.

524. You would say that the limited quantity of land which there is, places the buyer, so to speak, of the right to use it in an unfavourable position, as compared with the buyer of an article which can be increased to any extent?

Yes, the only choice he has is to take it or to go elsewhere; what I mean by elsewhere is to emigrate.

525. *Chairman.*] Surely it must have frequently come within your observation that tenants have migrated from one farm to another, without going out of Ireland?

They have; but as I stated awhile ago, in spite even of the love of country which ought to actuate every man, and no doubt actuates me; for, even amid the splendour of London, I would rather be at home in my humble little nook, looking to the interests of a young family. I doubt if I ought not to leave at once and take my capital, for I have some capital, not derived through land, but through other speculations, and go to a rising country, leaving a sinking one.

526. That might arise anywhere; if you began to farm in the State of New York, you might learn that farming was more profitable in the State of Missouri and go there; that does not arise entirely out of the state of the law?

No, but Ireland, and indeed Europe altogether, is overdone. I believe Ireland is so in particular; and even, as far as one can judge, perhaps I am very bold in hazarding the opinion, I think that agriculture has been brought to a very fictitious state, even in England.

527. Am I right in understanding that you do not think that contracts between the landlord and the tenant would be a sufficient way of promoting improvements?

It would be when an opportunity would offer for improvements, certainly, but in Ireland there are many collateral issues with regard to the land. The taxation

taxation is excessively high, as you will see, when I tell you that on land on which a tenant has done so much as I and my predecessor have done on the farm I hold, there is a charge of some 3*s.* for the rent-charge, 1*s.* in the pound for poor-rate, and income tax besides.

528. Earl of *Stradbroke.*] Is the tenant's share 1*s.*, or is that divided between the tenant and the landlord?
It is divided between the tenant and the landlord in our union.

529. Does the tenant pay 6*d.* or 1*s.* then?
I paid as high as 2*s.* 6*d.* in a rural division.

530. Of which you had to pay half?
Yes; it was divided between the tenant and the landlord.

531. The tenant paid half, and the landlord paid half?
Yes; and then there is income tax, and only fancy how that is charged; they base it on the farm. The income tax is based not upon property, not upon real income, but upon the possession of land as such, and the rental; that is the basis of it, and I look upon that as being very unjust. To that I may add 2*s.* for grand jury cess, a monstrous thing. After all our improvements, after all that has been done in the country, we have to pay 2*s.* in the pound for grand jury cess; that is, one-tenth of the value of the land in the kingdom. I wrote a letter to some London newspapers to attract the attention of Englishmen to it. In fact, the whole amounts to some 8*s.* 3*d.* There is one 3*d.* which is quite voluntary, and that is the payment for the Roman Catholic clergymen in Ireland.

532. *Chairman.*] The maintenance of their own clergy you regard as a considerable grievance upon the people, in addition to their taxes?
I consider it a considerable grievance upon myself as an individual.

533. I understand, then, from what you said just now about a 40 years' possession, that you do not think a 40 years' lease would be a sufficient compensation to induce a tenant to make the improvements which an ordinary farm in the present state of agriculture in Ireland may require?
With regard to my 40 years, the gentleman that I hold this place from would, I am sure, be only happy to do what is fair and honourable; but he gave a renewal of the lease, at the original rent, to my predecessor, before I came into the possession of the place, as some sort of compensation for the outlay, and to secure the continuance in the farm of a desirable tenant.

534. I wish to make the question, and I should like to get the answer, as general as possible?
Yes, I will try to make it so.

535. I understand you to say that contracts for improvements are not the custom in your part of the country between landlord and tenant, nor are leases; and that you do not think that moderate leases, such as leases for 21 years, would be sufficient to induce tenants to make considerable improvements?
I think that 21 years would be sufficiently long on the generality of farms to develope the farms to their full maximum fertility, and under proper encouragement I think that would be done.

536. What you call "encouragement" would necessarily be a matter of contract, would it not?
It would be a matter of contract. The desire to take leases in Ireland is, I am sorry to say, dying out, as far as my neighbourhood goes; and for this reason: I have heard of men who have got into farms, and who have gone to work upon the farms under the promise of a lease, and who, after expending some money upon the farms, have got a lease; but to their very great surprise they found, upon reading over the lease which was presented to them for execution, that the principle of dividing the poor rate between the landlord and the tenant had been abandoned, and that the tenant was charged with the entire amount of the poor rate.

735. Earl of *Stradbroke.*] Did they, under those circumstances, sign the lease?
In consequence of the outlay that had been made the tenant did so, though

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with great reluctance. The only institution in Ireland that worked with cordiality and with harmony was the poor law institution, the Boards of Guardians. There was harmony at the boards: no political matter was introduced; it would not be listened to, and everything went well as long as the people found that the money, or the rates for the support of the poor, were contributed by both classes. At the time of the institution of the poor law I considered really, as a tenant, that I was aggrieved by the Legislature, for I think it was an interference with my rights as a tenant to impose a tax upon me that I was not subject to when the lease was perfected; but then the basis of the support of the poor was placed on the property of the country. Previously the poor of the country, or those scarcely removed from a state of poverty, were endeavouring to support the mendicant poor. I do not think a more just law ever emanated from the hands of law makers than the poor law. The support of the poor was based upon the property of the country; out of every pound of rent a landlord received he had to make a deduction of so much per pound for the rates. When the poor rates got heavy this was modified, for when the rent happened to be double the valuation upon which the rate was struck, in that case the landlord paid all and the tenants nothing, because he had double; the rent was double the actual value that the rate was struck upon. Then a modification was sought, and of course carried, but the principle of charging each pound was abandoned. Where the rent and the valuation were at par, under the old law by the original rating clause, the landlord and tenant paid equal shares; but then when the change was made, if the tenant's rent exceeded by 1 *l.* the annual value upon which the rate was struck, upon that 1 *l.* there was nothing allowed the tenant; if it was 1 *l.* less, the landlord then retained the original principle, so far as he was concerned himself. Later there has been another change, and now an Irish landlord can impose upon his tenants the entire amount of poor rates.

538. That is in case of a new agreement or a new lease?

In case of a new agreement; but at the passing of the original law the principle was laid down that no amount of parchment and no number of covenants could bind a tenant to pay all. The law was formerly that both classes should bear the charge between them, and I do think that for the sake of harmony it would have been well to adhere to that; for my part, I positively would not take a lease of land if the landlord should say to me, "You must undertake to pay the entire poor rate."

539. *Chairman.*] Practically speaking, are there many leases of that kind?

There have been such leases made, to my certain knowledge; but I do not think it would be right for me to mention names.

540. We would rather you did not mention names; but do you know, of your own knowledge, that there have been leases of farms on those terms?

I know, of my own knowledge, that there have been leases of farms with that condition. I can speak only of one farm in particular, for I only saw one lease. I heard a report about it, and then I actually saw the lease, in which, amongst the reservations, there was one that the tenant should pay the landlord's portion of poor rates; so that settles it.

541. You alluded to some alteration of the law; you do not mean to convey to the Committee the idea that that was sanctioned by law; the law remains that the landlord is to pay half, and the tenant is to pay half?

No, it is sanctioned by law. The law, as originally laid down, was that no agreement could bind the tenant, and that has been changed.

542. Earl of *Lucan.*] It was only done by a new agreement?

Yes; but at first the principle was laid down by the Legislature that it was intended that no agreement should bind the tenant, and that the principle should be that the rate was to be divided between the landlord and the tenant.

543. *Chairman.*] In the case you alluded to, in which a promise was given of a lease, and when the lease was produced to the tenant it was found that a clause was inserted, charging him with more than his rateable value, that is, charging him with the full poor rate instead of half the poor rate: what was done was, in fact, a fraud upon the tenant, if it was not mentioned to him before, was not it?

Knowing the respectability of the parties in question, I should not like to say that it was intended as a fraud. The tenant was told that he should abide by it, as that principle was carried out on the rest of the property.

544. Was he told that when the promise was first given him?
No; I did not understand that he was; he was told afterwards, and he objected; but he was told, "This is carried out on all the rest of the property."

545. It is not common upon many properties, is it?
I have heard that it is becoming quite common.

546. Whether it be so or not, practically speaking, it does not make a difference one way or the other; because I presume it is calculated in the rent, when there is an agreement?
The old system has worked so very well before now, and has been the cause of so much harmony, that I look upon the Boards of Guardians, as they are constituted at present, as being the proper dispensers of this money, all the gentlemen being parties to the payment of the charge. Now, according to our grand jury system, which has given such umbrage in Ireland, there is one class dispensing and administering the money paid by another class. I would not, as a tenant, take a lease subjecting myself to the payment of the entire poor rate.

547. But with regard to that one case, if the tenant, before he began his improvements, had got his contract, and had had either a promise or a lease written down, it could not have occurred, could it?
Of course not; he would not have taken the farm if he had known of it.

548. Earl of *Stradbroke.*] Supposing you were about to engage a farm of which the rent was 100*l.* a year and the poor-rates 20*l.* a year, half of which ought to be paid by the landlord, and half by you, the tenant; what difference would it make to you whether you paid the 90*l.* or 100*l.* a year rent to the landlord; in case of your paying 90*l.* only, then you pay the whole of the poor-rate; but if you pay 100*l.*, then you pay your own half only?
There is this difference; because in case of a strike amongst agricultural labourers, or of another famine, in case of an extraordinary chargeability coming upon the land, I would not assume the responsibility of being the payer of the entire poor-rate.

549. You would not think the chance of getting the advantage which would be derived from a smaller rate so good as to compensate you for the chance of having to pay a heavy rate?
If the landlord would guarantee that it would only be 1*s.*, or 2*s.*, or 5*s.* in the pound, as the case may be, during the continuance of the lease, of course it would make no difference; but we have had to pay very heavy rates in Ireland.

550. From your knowledge of the two countries, do you think that the rents are as high in Ireland as they are in England?
I think they are higher in Ireland than in any other country I know.

551. Do you think that they are higher than they are in England?
I think they are higher in Ireland than they are in England, as far as my experience goes.

552. Earl of *Lucan.*] How high are they in the county of Cork?
For very light lands, such as are fit only for sheep farming, the rent is as high as 26*s.* or 27*s.* the statute acre. That is not the average rent; it varies from 1*l.* to that.

553. Earl of *Stradbroke.*] Have you any means of knowing that the rents are higher in Ireland than in England?
Yes, I have been in Essex some years since, and compared them.

554. Earl *Grey.*] Do you refer to land in permanent grass?
No, I do not mean that at all; land in permanent grass in Ireland brings from 2*l.* 10*s.* to 3*l.* an acre in some parts of Limerick.

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555. Earl of *Lucan.*] Do you mean that tillage land in the county of Cork is worth 26 *s.* a statute acre?

Such land as I described. I do not say that it is worth that.

556. *Chairman.*] Does it pay that rent?

It does pay that rent. In answer to the noble Earl, as to the relative value of land in England and Ireland, I was going to say that I have had some experience of land in Essex. Some time ago, I was on land there, and upon being asked what I considered the value of it, I astonished the Englishmen down there, for I estimated it at such a high figure; far beyond the rent paid.

557. Earl of *Stradbroke.*] Did you take into your calculation this difference, that in England the tithes and poor-rates are paid entirely by the tenant, whereas in Ireland the whole of the tithes and half the poor-rates are paid by the landlord?

In my individual case they are paid by the tenant; I mean the rentcharge.

558. *Chairman.*] That is under a lease?

Yes.

559. Earl of *Stradbroke.*] Are they not positively a portion of the rent to the landlord?

With regard to any leases that have been made since 1832.

560. Lord *Dunsany.*] Since 1835; your lease dates before that, does not it?

Yes, the original lease does; but I thought it was in 1832 that the Irish Tithe Act was passed. Since then, of course the landlord lets his land, and he has to pay the rentcharge and get it from the tenant by adding to the rent.

561. *Chairman.*] I wish again to ask your opinion about improvements, as you have particularly adverted to the question of compensation; I understand you to say that you think the improvement ought to be calculated, without entering into it in detail, or having any register of it as it is made, by a comparison of the improved marketable value of the farm at the time it was taken and at the time at which the lease falls in?

I think, with all deference, that that is the only sound basis to go on. The market will, of course, declare the value of land, or of any article, and in my mind the interests of a landlord are quite protected when he gets, as a bonus, 50 per cent. of that increase.

562. Supposing this case to happen, which undoubtedly you must have known to happen; a tenant may have made no improvements at all, but quite independently of the tenant's circumstances, may have made the value of the land at the expiration of the lease less than it was at the beginning, or they may have made it a great deal higher; do you think that the tenant, in the latter case, is to have half the rise in the value of the land, though he has been, perhaps, a bad farmer, and if anything rather deteriorated the land?

Unless the land is taken up for some public purpose, I do not know how that rise in the value of the land could possibly happen under such circumstances.

563. In some portions of the county of Cork has not land, within living memory, improved by the mere introduction of railway communication?

No, except in the immediate vicinity of railways.

564. Has that had no effect upon the price of land, do you think?

No, not to my knowledge, not generally.

565. Earl of *Stradbroke.*] Setting aside, for one moment, any question of compensation for draining or erecting buildings, I suppose that if a tenant takes a farm for 21 or 31 years, the mere practical result of good farming, without any extravagant expenditure will naturally improve the value of that farm; do you mean to say that at the end of that term, any improved value there may be should be divided between the landlord and the tenant?

I think it would be fair to give him a per-centage.

566. Although, during the whole of the period of the lease, the tenant must have benefited by the necessary results of good farming?

I take it that, in making a grant to a tenant of a lease, the land is given to him

him at its then marketable value. I should premise, perhaps, that I have, as an owner, a greater interest in Ireland by far than I have as an occupier.

567. Has not the tenant benefited, during the whole of the lease, from the gradual improvement of the land?

By spending money of course he improves the land, and then he gives up the land at an increased value.

568. I only mean, by expending that amount of money which is necessary for good and reasonable cultivation; of course, if he does not plough the land it will produce nothing; I only suppose him to be what is called a good farmer?

If that was the practice, Ireland would not be in the state it is at present; the soil of Ireland is capable of a good deal of improvement, and it would be improved, I believe, in 20 years' time, unless the population flit away, and to settle this land question is the only thing to keep the people at home; if that were done I believe a considerable increase in the rental of Ireland would be effected before 20 years had elapsed.

569. *Chairman.*] Did I rightly understand you to say that the competition for land arose a good deal from the surplus population?

Yes, heretofore.

570. But that is not the case at present?

That is not the case at present.

571. Then how do you account for those adventuring farmers coming in and taking land; how do you account for land being in such demand now?

What I intended to convey was this: that at present the tendency is from the second and third class lands to the good lands. For the good lands there is some competition still, and for them an exceptional value is kept up by means of that competition, but it is not so on the other lands.

572. Lord *Meredyth.*] There is no great competition for moderate lands?

No; and it actually refers also to the labouring population; they are leaving the bad circumstanced lands, and are tending down to the good lands, according as they find a vacancy. You will perhaps be rather surprised at that, but it is for this reason: they are paid, as you are aware, partly in money and partly in kind; they get potato garden plots; they like a good potato garden; of course, upon a good soil, they will have a good potato garden; therefore, an unfortunate man on bad land in the remote region is deprived of his labourers; they all run away from him; they all tend to the good land.

573. Was not that always the case, more or less?

It was; but you know they could not come there until the people who are now going to America vacated and left room for them.

574. Is not the emigration chiefly fed by the labouring classes?

Yes.

575. What is the condition of the labouring classes in the county of Cork?

The price of labour has gone up considerably, 100 per cent.; not actually, but virtually, in this way: there has been a considerable increase paid, and a very great deficiency in the labour, as all the able-bodied men have gone away.

576. What is the state of their habitations?

All the exceedingly bad houses have been weeded out; they have ceased to exist, and the better ones have been kept up.

577. You think they are better housed than they formerly were?

The better portion of the houses were retained as the population diminished, but their habitations are not as desirable as they ought to be.

578. Under whom do they generally hold these habitations?

They hold under the occupiers.

579. Under the farmers?

Yes.

580. Do they pay high rents?

They pay no rents at all.

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581. Earl of *Stradbroke.*] But they give a certain number of days' work, I suppose?
They give no days' work at all.

582. Lord *Meredyth.*] Then how is the farmer paid?
The farmer is paid nothing at all for the labourer's house.

583. Marquis of *Bath.*] Do you mean that the farmer gives the men the land for nothing?
He pays for the land upon which he grows his potatoes.

584. Lord *Meredyth.*] How much land does he generally occupy?
Every man gets half a statute acre of potato land?

585. With a house?
With a house, or attached to the house; since the famine, at least within the past 10 years, the farmers are very glad to get men to come into the houses at all, and they give the houses free to them. Before that it was ten abourers looking for a farmer, it is now ten farmers looking for a labourer.

586. They hold generally half a statute acre of land to each man?
Generally.

587. What do they pay for that half statute acre of land?
Various prices; the maximum price, perhaps, would be 6 *l.* per acre.

588. Annually?
Yes, annually.

589. And the house then is thrown in?
Yes; but the farmer loses by giving that acre of land to the labourer.

590. Half an acre, is it not?
I am speaking of it by the acre; I say that 6 *l.* an acre is the maximum price, and it goes down to 4 *l.*, but that is highly manured; in fact, it must be a portion of the farmer's land in best heart and tilth, and well manured, and in the highest condition, for, as I said before, the object is now to secure a labourer at any price.

591. *Chairman.*] But that manure is not manure taken from the farmer; it is manure got together by the labourer's children and his family, is it not?
He gets the land for that manure free.

592. A free crop?
Yes, the other is land manured by the farmer; it would pay him in roots much more.

593. Lord *Meredyth.*] The farmer, if I understand you rightly, manures this half acre for the labourer?
He does.

594. Marquis of *Bath.*] You have seen some part of Essex, and you have seen some of the English farmers?
I have.

595. Do you consider that an Irish farmer lives more luxuriously than an English farmer of the same class?
As far as I can judge, there is no comparison at all between them.

596. Do you mean that the Irish farmer's mode of living is the more luxurious?
No; it is the other way.

597. Do you consider an Irish farmer inferior to the English or Scotch farmer; do you consider him a man of less intelligence or less industry?
He may be a man of less intelligence, perhaps, if you go to the minutiæ of it, but he is a man who understands the capabilities of his farm, though he may not be able to describe it chemically.

598. Practically, in farming, what an English farmer can do, you think an Irish farmer can do?
I think an Irish farmer could make as much, and has made as much, out of land

land as any man in the world. I know, of my own knowledge, many Englishmen full of wealth, full of thrift, full of industry and energy, who have come to Ireland and settled down there as agriculturists, and left it broken-hearted men.

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599. Do you know that in a great many parts of England, and over the greater part of Scotland, land has been improved to the amount of ten times its value, by draining, and so on; in Inverness-shire, for instance?
It is quite possible to do so; and there is soil in Ireland that could be improved 300 or 400 per cent.

600. Do you know that in other parts of Scotland and parts of England buildings have been made upon the farms by the tenants solely without the aid of the landlord?
No, but I know that in Ireland, in most instances, such has been the case.

601. Are you aware that those buildings have been made, and that land has been drained when the only protection the tenant had was a lease of 21 years, and sometimes as short as 19 years?
Of course the tenant must see his way to doing it; he must get that land considerably under its intrinsic value in order to expend that amount of capital; but in Ireland we must expend capital, and pay a rent considerably in excess of the intrinsic value of the farm.

602. Here the tenant made his own bargain, and was able to recoup himself in the period of his lease; do you see any objection to the same system being pursued in Ireland?
None whatever.

603. Then the question of compensation would depend upon two things, the amount of rent paid, and the length of the period of the lease?
It would depend upon the amount of rent paid, and the length of the period.

604. Putting out of consideration for the moment the smaller class of tenants, but having regard to a man of capital who takes a large farm in Ireland, do you not consider that he has sufficient intelligence generally to be able to look after his own interests, and to make proper bargains beforehand?
Most certainly I do.

605. Then dealing only with the large tenants, and putting the smaller men out of consideration (I suppose a man holding anything over 30 acres we should generally consider a large tenant in Ireland), taking these men, the best system for the improvement of land by the tenants in Ireland would be by an agreement, or an understanding come to, and a lease framed upon the basis of that understanding, by which on the part of the landlord the land is given at a certain rent, and on the part of the tenant a stipulation is made that he shall make a certain specified outlay upon it?
If you can start the Irish under these circumstances, that is to say, start them at a fair rent, under the actual intrinsic value which land has at this moment, whatever that value may be, if you can start them with an agreement of that kind, I would stake my head that they would win in the race, and would become prosperous.

606. We are now talking only of the larger tenants, putting aside the smaller ones; so far as the larger tenants are concerned, what is the difficulty with regard to the whole law of landlord and tenant in Ireland being based upon a simple agreement between the tenant bringing capital on the one hand, and the landlord letting the land on the other, the bargain being completed beforehand?
It should be so, and there could be no possible difficulty; but from the state of land relations in Ireland at present you cannot possibly expect such a bill as this to work.

607. I am not talking of the Bill at present, I am only talking of general principles; do you know any objection to the whole law, so far as the relations between the larger tenants and the landlords are concerned, being based upon a simple

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a simple agreement between the two parties, drawn up, and signed and sealed; a contract specifying that which each party is to perform?

It would be a most happy result to achieve.

608. That ought to be the great object of our legislation, ought it not?

That ought to be the great object, to frame these laws, so that both classes shall benefit, and in that way I do not see why the landlord's rental should not go up with the progress of the world, and to that he has a claim as the tenant also has for his capital, whatever it may be. The effect ought to be, that the tenant should increase his capital, and the landlord increase the value of his estate.

609. We have hitherto talked about the larger tenants; how far would that system answer with regard to the smaller tenants?

I think the same good results would arise in their case.

610. Do you think that the smaller tenants are men of sufficient intelligence to be able to protect their interests previous to entering into a contract, or do you think that there ought to be any means of protecting them from making an ill-advised contract beforehand?

That is the old story with regard to Ireland; there the danger would lie.

611. Of their making an ill-advised contract?

If good laws were passed for Ireland, the old desire for the possession of land might be renewed again, and the larger men might try to absorb the smaller men.

612. *Chairman.*] But do you not consider, generally speaking, that the Irish small farmer is a very sharp fellow in understanding his own interest?

I know he is very sharp.

613. And he is perfectly competent to understand the meaning of any lease that is fairly and honestly tendered to him by an agent?

Yes.

614. Lord *Meredyth.*] I think you stated that the Irish farmers had capital and energy to improve, if they had sufficient inducement to do so?

The capital consists more in their strong and willing hands than in realised property.

615. And I think you said that you preferred tenure to a law of compensation?

I would prefer a law of compensation.

616. Earl of *Stradbroke.*] Do you not think that it would be very advantageous in Ireland if there were fewer tenants and more labourers?

For the farmers it would.

617. And for the landlords?

My own experience is this: my object in saying it is to show you that the tenants in Ireland can pay very small rents; for 15 years I have not had occasion to put on any pressure to receive any rent.

618. *Chairman.*] Do you not consider that during the last 15 years the general condition of the labourers has been rather improving?

Yes, I was talking of small farmers, and I was citing a case where the rents are easy; where the rents in most cases are at the Ordnance valuation of the land.

619. Has not the condition of those people, the dress of their wives and children, and their general mode of living, improved on the whole during those 15 years, in your opinion?

Considerably.

620. You said just now, also, that the farmers would, under certain circumstances, become prosperous; do you really think that the farmers of Ireland have not been prosperous during the last 12 years; that they have not made a good deal of money?

I know instances in which farmers and their families have, in fact, emigrated, because

because the daughters had not the means to assume the fashions of the day; I mean, in fact, very humble people.

621. Earl of *Stradbroke.*] Those would be large families with small occupations?

Yes, just so.

622. Lord *Meredyth.*] You said that at the expiration of a lease where the land, as compared with the beginning of the lease, had been doubled in value, the danger was that the landlord should take the whole of that increased value to himself, or else dispossess the tenant and admit a new one on to the farm; practically speaking, do such things happen?

That state of things is generally anticipated by the tenant; and such is the dread and fear that a man will be deprived of his farm that he generally anticipates the probable change that might take place, and goes himself and offers a very large increase of rent.

623. You say that he allows his land to fall into a bad condition in the last few years?

I am now talking of an exceptional case. I know land, and if I can judge from the appearance of the land which encircles almost the valley in which I reside, belonging to a nobleman, on this land the tenants are very happy generally; but that system prevails of valuations at the end of the leases, and this valuation is made by the agent on the property; the tenant has no voice in the amount of the new rent, or the apportionment of the new rent.

624. Do you really know instances in which the tenants have been evicted and the land given to new tenants; has anything been done on the part of the landlords which should give just cause for such suspicions existing in the minds of the tenants as what you have just described; do you know of any case yourself?

I cannot bring a case to my recollection at present. I did not anticipate that any such question would be put to me.

625. You made use of the expression that lands had been "so much broken up" in Ireland; I think you probably alluded in that to the action of the Encumbered Estates Court in dividing the different properties?

Yes.

626. As far as you know in the county of Cork, have those properties been very much subdivided into small portions?

Yes, in the instance which I spoke of they have.

627. Has advantage been taken of that circumstance by the tenant farmers to purchase any of the land for themselves in fee?

Several have done so.

628. Then the bulk, so to say, of the properties in the county of Cork has been cut up under the provisions of the Encumbered Estates Act?

Not the bulk; there are some very large estates in the county of Cork still. I think the principal portions of the estates that were sold, were bought up by the neighbouring proprietors. I do not know any man actually in possession of land as a working farmer, who has bought an estate under the Encumbered Estates Court. I spoke a while ago of a farmer who attempted to buy land, but he did not succeed in buying it. I must correct myself in that; that would be no exception, therefore, to what I am now saying.

629. *Chairman.*] But still men who were only tenant farmers, and had no other profession, have bought estates there, I presume, as well as in other parts of Ireland?

My family had a middle interest for years—generations, I believe. It is not necessary now to enter into the past, but when this middle interest terminated, I became tenant in possession and occupier of a portion of the land, and I bought that.

630. I meant persons of inferior position to yourself?

I cannot bring to my recollection any case.

631. I meant men who have begun with farming, say, 25 acres of land, and have gone on increasing their holdings, and have finally bought some land?

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There is no instance at all of it in the county of Cork that I am aware of; in fact, I do not know anybody altogether in the rank of a farmer who has bought any sort of land in the county of Cork.

632. With regard to the class of persons that you have described, who have made money and laid it out in farming, are the tenants under them better treated than they were under the old proprietors, or than they are upon the large estates; is there any perceptible difference?

I do not think there is.

633. Is there a greater indisposition on the part of persons of that class to give leases than there is at present on the large estates?

There is not the desire to take land now at haphazard in that way.

634. I am speaking now of the residents who have been for some time upon the land; are not the small farmers in general on the large estates glad to get leases of their land?

I know a property in the county of Cork the proprietors of which offered leases at the Ordnance valuation of the land, and the tenants declined, strange to say, to take them.

635. They preferred being as yearly tenants?

From the uncertain state of the country, the departure of the people, and other causes, they are afraid to enter into leases (this is a fact which can be verified) at the Ordnance valuation of the country. In one case I was on the land myself with the owner's agent, and I was amazed beyond anything when he said to me, "Look at these men; they will not take leases of this land." I spoke to them, and they said, "We cannot get a servant-woman, we cannot get a servant-boy; why should we assume this responsibility? why should we, in fact, lose a single pound by it?" That is the state things have come to. There is another matter which I may not have another opportunity of referring to, which gives considerable umbrage to the Irish farmer; it is this: they are so simple-minded as to suppose that it is a grievance if their cattle stray upon the public road, that the police will take them up.

636. Has that actually prevailed to the extent of preventing their taking land near a public road?

No, certainly not. I should add that the reason for that is, that being subject to a rent for the public roads of the kingdom, they think it odd in the extreme that they should pay rents for the public roads, and yet not have a right to the herbage on them.

637. May I ask you a question with regard to these yearly tenancies; supposing a man to die in the full vigour of life, say at 40 or 50 years of age, and to leave a certain number of young children (I speak now of persons holding not more than 25 or 30 acres), how is the succession managed; because I apprehend, by law, the tenancy would expire at the year's end, and the landlord could give the farm to whom he liked, of course?

It gives rise to a good deal of unhappiness and family disunion, and all that.

638. Earl of *Stradbroke.*] No law will correct that, I suppose; it must be left to the family and the relatives to settle among themselves?

In my own case, if my family had not the benefit of my care, and if my farms were placed in the hands of strangers, I certainly would recommend my wife and my children, who are too young (in fact, I do not mean to bring up any of them to farming pursuits), immediately to get rid of the farm; but then, how to get rid of it is the question.

639. *Chairman.*] I am alluding to a much lower class?

I think it applies in all cases. I think when the widow of a tenant is unable, or when his children are too young and inexperienced, to manage a farm of that kind, in that case it would be the interest of the landlord to have it transferred to a party who could take charge of it, and that the representative of the party in possession should be allowed to assign it.

640. Take a case where some of the family are grown up: supposing there are a couple of grown-up sons and a couple of grown-up daughters, say the whole four of the ages of from 13 to 23, and a widow; how, in a case of that sort,

sort, do you think the succession ought to go, and how does it go now; what law is there to prevent the widow or any of the family being turned out; holding, as they do, under a yearly contract, they have no legal property to sell. I speak of yearly tenants?

I have known instances where, in cases such as you have put, the widow has been looked to by the proprietor.

641. And allowed to continue?

Yes.

642. In fact, that class would, if the landlord did not interfere, be in a very bad way, would they not, in some cases, at any rate?

They would be in a very bad way.

643. In the case of a lease, do you think that holding a written contract from the landlord would be of advantage in those circumstances?

It would, no doubt. But if you will allow me to refer to a copy of this Bill, with reference to these things: I think every thing in this Bill is excellent, with one or two exceptions. I have read it carefully. I am no lawyer, and I do not understand it all. My original destiny was to be a lawyer, but the death of a parent early in life changed my course altogether; it was, in fact, just such a case as your Lordship contemplated, of a widow with young children. I have given a good deal of attention to the Bill, and as far as I can judge, the greatest possible care has been devoted to the preparation of this Bill; but there are one or two things which, perhaps, the Committee will permit me to mention.

644. We should be very glad to hear your opinion upon any point you like to mention?

With regard to the reservations and the obligations which a tenant is to assume, in the second page of the Bill I see "not to assign without consent"; and "to maintain in proper condition." I think that is too stringent with regard to painting internally and externally, and all that at stated periods.

645. Do you not think that if you grant a man a lease it is very desirable that you should not allow him to assign it without your consent; practically speaking, in the management of property, might it not lead to a great deal of injury to the land, if that were allowed?

No; I think that the tenant, or the tenant's representative, should have power to assign.

646. Without any check on the part of the landlord?

Without any check on the part of the landlord.

647. Earl of *Stradbroke.*] He might possibly assign the good will or tenant-right to a very objectionable person, might he not?

The tenant himself might do that, but with regard to the tenant's representatives, the widow or children, it would not be their interest to assign to a pauper, because it would be their object to get something for their interest in the place. I confine it to that particular case. This is highly objectionable, I think; there is, amongst the reservations, to reserve the franchise, and to reserve to the landlord the right to charge to the tenant the entire of the poor rate. That will unhinge everybody in the country in Ireland. There are also certain particular obligations which are made under this Bill that cannot be carried out.

648. Marquis of *Bath.*] Supposing I am letting land to a tenant, supposing the landlord's share of the poor-rates is 10*s.* an acre, what is the difference between, on the one hand, my charging the tenant 10*s.* additional rent, or, on the other hand, letting him off 10*s.* of his rent, on condition of his paying the poor-rate for me?

It would make no difference if the rate did not vary.

649. Supposing a tenant chooses to come to that arrangement with me, why should not he; it may be a speculation on his part, and it may be a speculation on mine?

In Ireland we are seeking to have all rates divided between landlord and tenant, the county rate in particular, it is very heavy sometimes. One of my

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landlords said to me, "Are you going to repudiate your contract, and your obligations?"—"By no means," said I, "but I think it would be very fair to have so and so done; what would you say if we were to get out the original lease with regard to this place? I will ascertain the amount of the grand jury cess the year the lease was perfected, one half of which you can add to your rent, and let us divide the rates in future."

650. *Chairman.*] Would not the landlord's answer be, "But you have had a new road to that place, and a new bridge over such a river, and all those things which the county cess may make you pay for, and you would be getting all those things without contributing to them if I paid the county rate?"

You will see, if you inquire into the condition of taxation in Ireland, that a higher rent has been paid for the soil, and a heavier amount of taxation has been paid on account of those works; that the poor tenantry of Ireland have actually supplied money to build all the public buildings in Ireland, and to make the roads in Ireland, which are amongst the best in the world, and with all that they have paid the highest rent paid by any European tenantry.

651. For the future, if I understand you, in any new contracts you would put half the county rate upon the landlord?

I would, in order to promote harmony in future.

652. Where the contracts already exist you would not alter them, would you?

Unless the proprietors of the country wished it. I myself would be glad to go with them for the sake of peace and harmony; and if it were done to-morrow, as far as I am concerned, a larger number of acres that I receive rents on would be taxed than the number of acres that would be relieved by it.

653. That would be really a reduction in rent, would it not?

That would be as a compromise. What I would recommend in this Bill (and I really think it would be satisfactory to the tenantry of the country) would be to exempt the highways of the kingdom from rent. I must certainly say this, and I take this opportunity of making the statement, that the land under the public roads in Ireland having been paid for when taken up for public purposes, for that land to be now paying a rent, and for a rent to be exacted from the tenants for it is not justice; and now that we have a survey of the kingdom, I do think that, amongst the other exemptions at the time of making that survey, ought to have been included the public roads of the kingdom. I have met Englishmen of intelligence who have taunted me with our continually talking of grievances in Ireland, and one gentleman said to me, "Show me a tangible grievance;" I said, "I will," and I told him about the roads in the kingdom. I told him how the grand juries build those roads, how those roads are projected, the lands surveyed, and the proprietors reimbursed for their land; and I said afterwards, when the people have bought the lands, made the roads, and keep them in repair, it is unfair, ungenerous, and unjust to exact a rent for these public highways. I said to the Englishman, "Are all your public parks and commons subject to rent; and if they were, would Englishmen submit to it"?

654. When a tenant loses land by a road being made, would not the landlord make a reduction of his rent for the space of the road he had lost?

It has not happened to me.

655. Lord *Chursto*n.] When a road has been taken out of your farm, have you not had an allowance for the land that was taken away?

I cannot speak upon that, I have never had an acre taken for the purpose.

656. *Chairman.*] Half the road is surveyed upon the proprietor and upon the tenant upon each side, is not that the way in which it is done?

Half the road is surveyed upon the tenant on each side, but if the road intersects a farm in the hands of one man, all the road is surveyed in that man's lands.

657. Is not that taken into consideration when the man takes the farm, and if it is a case of a new road, if he has a lease, he gets compensation from the county by law?

By law you can get compensation, of course, you can traverse for damages.

658. If

658. If a road is being made, the compensation for it ought to be fairly divided, and in the eye of the law is meant to be fairly divided, between the occupier and the owner, is not it so in fact?
I never knew that it was so.

659. Marquis of *Bath.*] Is not it done in the case of a lease?
In the case of a lease the survey of the road is included.

660. *Chairman.*] The tenant gets compensation then?
Yes; in the case of a lease, but I speak of tenantry in general: I say this, it is a principle that does not look well, to have the proprietors going and surveying the public roads of the kingdom, and charging rent for them. A public road does not belong to any man, therefore what right has any man to let it and charge for it in his rent?

661. Earl of *Stradbroke.*] You would rather propose that the public road should be maintained by some public general body, and not paid for as at present?
Yes; as it is in England. In Sweden the proprietors pay the road tax and maintain the public ways.

662. Marquis of *Bath.*] You complain, in the first place, that the tenant has to maintain the roads?
Exclusively.

663. In the next place, that the tenant also still pays rent for the roads?
Yes.

664. Is not this a fact in political economy, that any rate which is paid by the tenant in the end, is, in fact, a deduction from his rent, and that, although the tenant may be a loser by it for the time being, it is the landlord's property that eventually suffers. Is not, in short, every rate that is paid by a tenant eventually so much out of the landlord's pocket; I do not speak of leases, but of tenants at will?
Of course, if the landlord got all, he would get the entire produce, and the entire income from the farm; the tenant's share is very inconsiderable indeed. However, he is entitled to some of the profits of labour.

665. Supposing a property is worth 100 *l.* a year, and supposing that there are rates upon that of one sort and another, to the extent of 50 *l.* a year, does not it practically come to this, that the tenant taking it pays 50 *l.* a year rent and 50 *l.* a year rates; he does not pay 100 *l.* a year, and 50 *l.* a year rates?
I understand it, as you put it, it comes to the same thing exactly.

666. Therefore it is, in fact, an injury to the landlord in the end, though it may for the time press unfairly on the tenant?
I think the principle of charging a rent for commons, and roads, and highways is a bad one.

667. Now with regard to the rent for roads, I suppose you mean that when the roads were made, no deduction was made in the tenant's rent in consequence of so much land being taken from his holding for the purpose of making the road?
A tenant in an independent position, and with a lease, will get whatever the law allows him.

668. *Chairman.*] Is it really a fact that now, in taking a farm, say a small farm of 20 acres, which may lie in an oblong shape along a road, where you pay, as you generally do, an acreable rent, the half of the road adjoining the farm is charged rent for by the landlord?
It is surveyed, and an acreable rent put upon it all. It may happen to lie along a river as well as along a road.

669. I am not talking about the Ordnance survey, which puts half the road into one estate, and half into another, but in taking the letting land, between landlord and tenant, is that amount of land which half the road occupies, that half of the high road, practically charged to the tenant?
It is surveyed and charged for where an acreable rent is paid.

 670. I mean

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670. I mean by the landlord's surveyor, the surveyor of the estate; does the man employed to survey the estate take that in?
He surveys it.

671. Lord *Churston.*] Are you charged with the rent of it?
Yes, wherever it is an acreable rent.

672. It is not deducted when the road is made?
No.

673. *Chairman.*] It is measured in upon the tenant for all the land for which he is charged public rates and cesses?
It is.

674. Is it charged also by the landlord?
Rent is paid on it. Supposing there are 99 acres in a farm and one acre of roads, the survey upon that is 100 acres, and the rental is charged upon that. Of course, as the noble Lord has put it to me, it is, to use a vulgar phrase, six of one and half a dozen of the other whether the tenant pays a portion of the rate and more rent, or pays all the rate and less rent. What I would say is, let the landlord get as much as he can for his land, but let him not include the road; let him not get rent for what he has no right to. I know this, that in the county of Cork, a gentleman, who is most anxious to have the grand jury system in Ireland reformed or repealed, had the survey of the roads taken out of his property.

675. The reform of the grand jury laws in Ireland, which is a very important subject, does not necessarily imply this?
No. A noble Lord remarked that this did not apply to his property in Ireland; probably there are some other noblemen's and gentlemen's properties to which it does not apply, but very generally it does apply, and very often you see a narrow strip of land intersected by a road running parallel with a river, and not alone the entire road, but half the river will be surveyed, and possibly one-third of the entire land in that man's possession will be so made up, he paying a rent for it. Of course a landlord may let the sun and moon, or half the British Channel, if he can get a tenant to take it,

676. Marquis of *Bath.*] But that cannot happen in the case of a lease, unless the tenant knows of it beforehand. If the land for a road is taken off a farm held under lease, the lessee gets compensation for that reduction, I take it. What I want to come to is this, it is a hardship upon the tenant, but is it not a hardship to which he has in the first instance consented?
He has consented, as I said before, because it is possession of land in Ireland, or expatriation to America; it comes to this. There is a rentcharge upon the land, the valuation is so much, let him pay it; there is the poor-rate upon it; there is a county cess upon it (the most unjust of all for the grand jury to tax its own offspring); the grand jury makes a road, and then puts a tax upon the road afterwards. As far as I could ascertain, the area under roads in Ireland is 300,000 acres, upon which the average value of land is paid, or say 1 *l.* an acre; that is 300,000 *l.* to the proprietors of the country; and it pays to the State the taxation which of course the lands and properties of the country are liable for.

677. *Chairman.*] With respect to your suggestion of dividing the improved value at the termination of a lease or tenancy between the landlord and tenant, how would you propose to enforce that if it was embodied in a statute?
To give by statute to every tenant in Ireland, whether a leaseholder or a tenant at will, upon the termination of his tenancy, 50 per cent. of the actual increased letting value that would be found to exist in that tenement or tenancy.

678. Lord *Meredyth.*] How would you prove the increased value?
In this way; the tenant or the tenant's representative is anxious for a renewal of the lease; he offers for it, and to secure that renewal he offers, as he conceives, the maximum value of the farm. The landlord, of course, has the option to decline the tenant's offer and give it to another party. That other party will be, of course, somebody who will bid more rent, and then I propose to give to the outgoing tenant 50 per cent. on the value of the increase between the old and the new rental, that is, when a tenant makes the improvement exclusively

clusively himself, I think that that would decidedly settle the land question we have heard so much about, because, according to this plan, there can be no claim for compensation unless there is an increased value, and that I must provide my landlord with the means to pay me back anything that I should be entitled to from having held his land. If the tenantry of Ireland could be settled in this way at the present moment with the land in their possession held at the marketable, fair, intrinsic value at the present date, I believe that in 20 years' time you would have an increase of 25 per cent. in your rental, and in 40 years you would have an increase of 50 per cent. in your rental.

679. Marquis of *Bath.*] What would you do in a case when the land had fallen in value since the tenant took it; would you make the tenant compensate the landlord for that depreciation?

The landlord would be no worse off than he is at present.

680. He would be worse off in the one case and not better off in the other, would he not?

First, you must develope the resources of the country, and having done that, have as strong an enactment as you can possibly frame to protect the country and preserve it in that state.

681. What would you do in cases where the land was in the neighbourhood of a town, or near the sea, and where from different reasons the land might increase in value; near a town particularly it might be valuable as garden ground, and so on; how would you deal with the increased marketable value of such land as that?

In that case the landlord could very well afford to give the poor tenant a share.

682. Of that which was not produced by the tenant's improvements?

That is all I can say. I do not know whether it could be guarded against specially. I am sure I should be very glad, as an individual, if the question were settled.

683. Earl of *Rosse.*] What proportion does the rent of the land in the county of Cork bear to Sir Richard Griffith's valuation?

It is between one-fourth and one-third in excess of Sir Richard Griffith's valuation.

684. Sir Richard Griffith's valuation purports to be made at something about one-third under the full letting value, does it not?

No; Sir Richard Griffith's valuation means the actual nett value of the country. Sir Richard Griffith's valuation is made under a scale of prices considerably higher than the average of prices for the past 20 years, so that, in fact, and in reality, it is a high valuation; inasmuch as it was made under a scale of prices which, of course, as your Lordship is aware, were higher than the average of the prices which have prevailed for 20 years, at least I have been told so by the officials of whom I made inquiry. Now we must bear in mind that difference between the rent paid and Sir Richard Griffith's valuation. Sir Richard Griffith's valuation actually includes all that the tenantry have done in Ireland, and with very few exceptions indeed, the tenantry have done anything that has been done in the shape of improvements.

685. Do you happen to know what is about the average rate of wages for labour in the county of Cork?

The average rate of wages for labour in the county of Cork is about 1 *s.* per day; that is in money and in kind.

686. *Chairman.*] Have you known many instances, or any, of tenants being ejected by landlords for political reasons connected with elections?

Not of my own knowledge.

687. It can certainly not be a common case in the county of Cork, can it?

Not to my own knowledge.

688. Lord *Dunsany.*] Have you ever known what you would call a good improving tenant to be evicted by his landlord?

No, I have not, but I have heard of a good improving tenant having to go up inordinately in the rent of his farm, in order to get a renewal of his lease.

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689. Do you consider that in the county of Cork Sir Richard Griffith's valuation is the real letting value of good land?

I think it would be a very safe basis to start from if it could be accomplished, but the Irish proprietors, of course, would object to anything of that kind; that should be sacrifice of a fourth of their property.

690. When you say it would be a sacrifice of a fourth of their property, I presume you mean only on good lands, because I apprehend that Sir Richard Griffith's valuation is much closer to the letting value upon the second rate and inferior lands than it is upon good lands?

I always thought the relative value was carried out. I doubt if the Irish tenantry could be started by any means under this Bill. With Sir Richard Griffith's valuation, if the proprietors of Ireland could be only got to accede to it, and if the State would buy up and compensate them for the difference, I think we should have a very prosperous people, and a peaceable people, and what I did not refer to before, I think we might then consider our country as capable of defending its shores, and not as being occupied as it has been for some time back.

691. Would not that, in your idea, be a vast boon to the wealthier description of farmers and large graziers who hold this land at prices considerably exceeding Sir Richard Griffith's valuation, and a very small one to the poor people who occupy the worse land?

It would; but you know you cannot extend to different classes the same terms. You must remember that all that has been done in Ireland has been done by the tenantry of the country; of course there are exceptions; but that is the history, and I believe the acknowledged history of Ireland, that all that has been done, has been done by the tenantry, and all they have expended in the south has been included in Sir Richard Griffith's valuation, yet that valuation has not brought the value of the land in Ireland up to anything near the rent that has been paid.

692. *Chairman.*] We have it in evidence before us that of late years, in the south of Ireland, some hundreds of thousands of pounds have been expended by landlords entirely who have borrowed that money, besides casual expenditure going on by them; do you think that that is a mistake?

It is true; but I believe the practice is to charge the tenantry upon the properties where the money has been expended with a per-centage, and if so, I think the tenantry have a reason to claim a share in the good work that has been done. The tenant in possession pays a per-centage upon it, and his successors will pay it too; yet the landlord claims the credit of having made the expenditure.

693. Do you think that really the landlords have recovered from the tenants anything like the expenditure under these loans?

They have.

694. Lord *Dunsany.*] I dare say you are aware, as a farmer, that the increased value of the grass land is wholly owing to its age; likewise it improves with age; and that it is not supposed to reach its best for, perhaps, 20 years. Now, supposing that a farmer has laid down very good land in a very bad and negligent manner, but that after 20 years (a common case round me, living in a pasture country) that has become exceedingly good and valuable land, should you think that the tenant might then claim the increased value as being due to his own exertions, instead of being due to the mere lapse of time?

I think that is an exceptional case.

695. Is it not true of all grass land?

No, I do not think it is.

696. Is it not true of good grass land that age gives it value?

It is true of alluvial soils adapted for the production of permanent pasture, but I know that a decrease in the production of this country will result from allowing land in Ireland to go into permanent pasture that is not fitted for being in that state.

697. I did not speak of that case; I spoke of good pastures, some of which are known in the neighbourhood, by tradition, to have been really not laid down at all, but left waste and brought into their present high condition by lapse of time, and the force of nature?

Mr. *U. R. Mackay.*

5th July 1867.

Consider what it would be when so large a per-centage as 50 per cent. would result to the landlord at the end of a tenancy; where would the rental of a country stop if every 20 years it went up 50 per cent.?

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, One o'clock.

Die Martis, 9° Julii 1867.

PRESENT:

The Duke of DEVONSHIRE.	Earl of STRADBROKE.
Marquis of BATH.	Earl of KIMBERLEY.
Earl of DEVON.	Lord DUNSANY.
Earl of CLARENDON.	Lord SOMERHILL.
Earl of LUCAN.	Lord CHURSTON.
Earl of ROSSE.	Lord MEREDYTH.

THE RIGHT HONOURABLE THE LORD SOMERHILL, IN THE CHAIR.

WILLIAM BROOKE, ESQ., Master in Chancery, is called in; and Examined, as follows:

W. Brooke, Esq. 9th July 1867

698. *Chairman.*] YOU, I believe, have been a Master in Chancery in Ireland for a considerable number of years?

Yes, for 21 years.

699. Your judicial situation there has occasioned you to be in connection and relation with a considerable number of estates which have had receivers appointed over them?

Very many indeed; at one time I calculated that I had the superintendence of estates the rentals of which amounted to about 500,000 *l.* a year. That was about the year 1848, just before the Encumbered Estates Court Act had liberated so much property from the Court of Chancery.

700. Thus, I suppose, although, of course, you do not look into minute details of management between the agent or the nominal landlord (as he must be almost) and the tenant, you have had occasion to attend to the bearing of the existing state of the law between the landlord and tenant; will you be good enough to state whether you consider that quite satisfactory, or whether you think the law needs any amendment?

I think it very far from satisfactory, and that its amendment is very much to be desired in the way of simplifying the law. The law has now to be looked for in a vast number of Acts of Parliament and treatises and decisions upon them; and since the time that I speak of, it has been further altered considerably by additions and alterations, not taking away the old law but leaving it to a very large extent to operate, so that we must look out for a combination between new and old law, which has created very great difficulties even in the minds of some of our most able judges. Your Lordships may possibly have heard of the case of "Chute *v.* Busteed," in Ireland, which went from the Court of Exchequer to the Court of Exchequer Chamber; it is a very interesting case, and has a most instructive bearing upon the Act generally called Baron Deasy's Act, the Act of 1860, which was in many respects a very great improvement, but did not sufficiently define the line between the old and the new law.

701. That Act is at present, I believe, the principal ruling statute of the Court of Chancery in Ireland?

It is; and of all courts of justice in Ireland as to the relations between landlords and tenants.

W. Brooke, Esq.

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702. But it was distinctly stated, I believe, from the bench, by two or three of the most eminent of the judges, that it left matters very obscure on several points, and that there was a difficulty in correctly construing it?
There was very great difficulty indeed, as the differences of opinion showed.

703. I presume that one deficiency in that Act was a consolidation of the whole law?
I should think so; but that is a very disputed question. There are great authorities that shrink from so very serious an act, but to me it always appeared most important, and really almost due from the Legislature to the poor and the illiterate, the common people of Ireland, that they should have a plain and intelligible body of law upon a matter which is vital to their interests.

704. You have read the Bill which is before the Committee, I believe?
I have.

705. Do you think that that aims at too great a consolidation of the law?
By no means. The principle of the Act has my hearty approval.

706. The main principle to which you allude, I apprehend, is the having written contracts in all cases between landlord and tenant?
First, the sweeping away of the old law, so that there shall be no possible conflict or collision between the old and the new, and no difficulty of determining where one ceases and the other commences to operate; and secondly, having the whole in one manageable code of some 40 or 50 pages, dealing with all relations and circumstances; and then the endeavouring to reduce all relations between landlord and tenant to a written contract; that I very strongly wish to see done.

707. Would you go to the extent of enforcing or holding out strong inducements to written contracts, even in cases of houses where there was no land attached, so as to make it apply to towns generally?
That is a point which I confess I have not thought much of. In reading this Act, my mind was chiefly turned to agricultural holdings with which I am most acquainted from my experience as a Master; but since I came to London the question you now put to me has been suggested, and I feel considerable difficulty about it. I am sure that those who deal with houses ought to have a code too, but I think it would be very difficult to apply the same rules to both.

708. With regard to the claims for compensation, about which you are aware a great deal has been said and written for the public, what do you think would be the best way to arrange compensation for tenants for improvements?
I can imagine nothing better than the mode suggested in this Bill of written agreements between landlord and tenant, with full consideration of the thing to be done, the money to be expended, and the mode in which the money is to be secured, each party deriving benefit from it. It seems to me to have been very carefully and well prepared.

709. You would not allow a tenant to come forward with a claim for compensation for improvements of which the landlord had had no previous cognizance?
No; I have always thought that a most dangerous measure. In the first place, because it may be a very unreasonable thing, and that may appear an improvement to the tenant which is no improvement to the landlord, but the reverse. I have known many estates with 20 tenants upon 100 acres, giving an average of five acres to every man; to build a comfortable dwelling-house would be a very great object to the tenant in such a case; but for the landlord to have 20 solid buildings upon his 100 acres would be ruinous and destructive to all hopes of consolidating the farms into one farm, which would be useful for agricultural purposes. That is one reason: another is, the very great facility for obtaining evidence in Ireland for almost anything that is the object of a tenant. It is distressing to speak of what may seem a national reproach, but certainly affidavits, and testimony on oath, are got up in Ireland for matters belonging to a certain class with a painful facility, and it is extremely difficult to get at the truth about them.

710. And it is not easy for any judge to adjudicate upon them, in many cases?
It is most difficult; I had practical experience of it, in one particular case, in which, I forget on what grounds, the late Master of the Rolls sent to me a reference to inquire and report whether any and what substantial improvements had been made on a farm in the county of Tipperary; and what was justly expended, and what was the amount of solid improvements, or something to that effect. The claim for compensation was extravagant, and yet supported by many affidavits of neighbouring tenants. But in the result I could find nothing more to have been done than what any wise farmer would do for his own benefit. Accordingly I reported that there was no compensation to be given, and I believe that that was confirmed.

711. Do you think a cheaper and more expeditious tribunal than the present would of itself be of advantage to decide upon those cases, and similar cases of difference which may arise, and which, after all, in large societies must arise?
Of very great advantage. The chairmen of counties, who are like the county court judges here, to a great extent, have given great satisfaction as a tribunal, and I think that they would be thoroughly competent, subject to appeal, to decide all questions that might arise.

712. You are aware that this Bill holds out, as an inducement to written contracts, that parties having them shall have a much easier tribunal for the settling of disputes and the avoidance of expensive litigation; do you think that that is likely to prove a real and effective inducement?
I think so. Nothing is more important than, first, that the law should be certain, and then that it should be speedily decided and executed. Now, with two tribunals, with the delays in the superior courts, the taking the cause to trial, the going down to the assizes, and all the attendant delay and expense, it affords a great temptation to knavery.

713. Do you think that it would be very troublesome or expensive to establish a registry of contracts for improvements or leases, either for all leases or for a certain class of contracts and leases?
I should be very glad to see all leases placed on a county registry; I think that that is a very important and valuable part of the Bill. There are three reasons for it; one is for the mere security of the lease. In hundreds of instances I have found, when a receiver has been appointed, that there has been the utmost possible difficulty to ascertain what the leases are, or what their terms are. The landlord, if he is a man in distress, has perhaps left the country or left his home, and his leases are not forthcoming, and the tenants have the greatest possible objection to show you their leases; or if at last you can persuade them to show them (we have got a Chancery rule made for the very purpose by the late Lord Chancellor, Mr. Brady, compelling them to produce their leases or agreements) when they are produced I never saw one that did not show the marks of want of care in preservation. Sometimes they are half eaten by mice, sometimes they are so begrimed with dirt that they are really illegible, and that in material parts, often they are lost altogether. Now, the good preservation of the contract is, I consider, a very important point for both parties. Secondly, I would do it with a view to statistical benefit, in order that those who wished to know the state of the country might have an easy means of ascertaining at once the amount of land in contract, and the rent paid, and so forth. And again, it would be a very great preventive of fraud; if a tenant wants to raise money upon his lease, there it is to be found, he cannot falsify it. I have known, not often, but occasionally, leases corruptly falsified. Under this Act there will be something that the tenant cannot injure, and the person about to become his creditor may see what it is he is about to take in pledge. As regards the landlord, too, if he is going to sell his estate the purchaser will find it a most valuable thing to have at one view a sight of all those leases, and of every agreement by which he is to be bound.

714. Do you think it would suffice if you had the registry confined to a certain class of lease with a certain amount of rent, such as a registry of a lease for a holding of land above 10 *l.* or 5 *l.*, or any smaller limit; and in case of compensation, where the outlay was above 20 *l.*, 30 *l.* or 50 *l.*?

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I really see no reason for exempting a small lease, and I should be very sorry to give any encouragement to very small leases.

715. You do not think that the number of small contracts would impose too great a burden of trouble and expense if you subjected every contract of every house or every small holding to registry?

Of houses I do not speak. In the answers I am giving to your Lordships I wish to be considered as confining my attention to agricultural leases. I think that very small leases are injurious, and ought to be discouraged; but if there are such agreements respecting small tenements, I think they ought to be registered, and it is very easy to make the expense next to nothing. If the contract is executed in triplicate, one stamp ought to suffice, if you will have a stamp duty; and the Clerk of the Peace's fee ought to be something very small. But the registry is well worth insisting upon, I consider, for the public good and the good resulting to both parties.

716. You are aware, probably, that in parts of Ireland a man who holds only five Irish acres of land calls himself a farmer, and considers himself such?

Yes, certainly.

717. As regards the tribunal to which this litigation which may arise between landlord and tenant is proposed to be referred, do you think that the present position of the chairman of quarter sessions, who is analogous in such matters, as you have rightly said, to a county court judge in England, is entirely satisfactory, or that it might be improved with advantage to the country?

I should wish to see him removed from practising at the bar. I think there are disadvantages connected with his continuing to practice at the bar. If he were separated from his practice at the bar he could hold his court six times a year, which would appear to me to be very useful; besides that, as long as he practices at the bar he must hurry back to Dublin at the beginning of the term, and the work that he goes through is astonishing for the short time that he sits. He is confined by the statute, I think now, to sitting from 10 o'clock in the morning to six in the evening, but there is an enormous number of cases disposed of in that time. I should rather give him a little more time. And then, again, it is not always easy to persuade the country people that there is nothing wrong; I know of no instances of the effect I am supposing to take place, but I know that the Irish people are very suspicious of anything that might seem corrupt; and if a solicitor who has a good deal of business in Dublin is the attorney for one of the parties before the county Judge, and he employs him in Dublin in other cases, in Chancery or elsewhere, it is very natural for the poor man who is defeated to think, if I had employed that attorney I should have employed a friend of the chairman. That is the sort of thing that might be suspected. I know several of the chairmen have refused to take any brief from attorneys practising before them, but then that is not universal, I believe.

718. The Committee, I am sure, would like to have some information from you with respect to rents at the present time compared with past times (of late years, of course). In the course of your long experience has there been any great rise of rents or fall of rents which you think has been injurious to the tenants of Ireland?

No; I should say the reverse. As to injury, I should say that they are now in a very much better condition than when I knew them first. I was appointed a Master in the month of May 1846, and the next year was the disastrous year of the famine, and for some years after that we were often obliged to reduce rents to one-half. In those days I remember arrears amounting to four years' rent continuing due, and the receiver not daring to attempt to enforce the rent for fear of a rebellion, and great losses occurred. Then the rents were greatly reduced; after that they gradually advanced, and now I consider that they must be in a very satisfactory condition as far as my experience goes, because I find so little trouble with the few receivers (about 80 or 90) that remain in my office. For many years all the cases have been sent to the Receiver Master, Mr. Fitz-Gibbon, and I deal only with the old cases that still linger on, cases of lunatics and minors, and some few cases of a jointress or annuitant having

having a receiver for life; that sort of case sometimes occurs, and some of these cases linger on. I have about 70 or 80 of them, I suppose, now. As far as my experience goes, which is now very limited, I find hardly any difficulty about rents. I hardly ever have to make an observation that the arrears are too great, so I should suppose that the rents are in a satisfactory condition.

719. Have you often occasion to distrain for rent, or to evict?
Very seldom indeed now.

720. Notwithstanding that as times have become better, rents upon estates with which you have been connected have been raised?
Yes, decidedly they have; I should think they are now at a very fair rate, fair to both parties so far as my experience goes.

721. Your experience would be that the tenants when treated reasonably well are themselves reasonable and honest?
Yes, in a great majority of cases; they are anxious to perform their duty and to discharge their obligations. There are now and then black sheep, people that no indulgence will cure, and then I direct those people to be turned out, and ejectments are brought, and they are got rid of; but that is a rare thing now.

722. Those cases, I understand you to say, you have not found numerous?
By no means of late years.

723. Will you be good enough to explain what you meant especially by the term that the condition of the tenants is generally improved?
I meant so far as the paying of rent goes. When I find that rent is paid with perfect regularity, I consider that that is a plain proof that the man is able to pay his rent, and that he makes a fair profit by his holding.

724. You have not had personal experience, I presume, of the condition of their houses, or their dress, or anything of that kind?
No.

725. Not more than an ordinary gentleman?
No. Frequently receivers come to me for allowances for repairing houses, and for improvements of various kinds, and I accede to such an application; particularly when I have a confidence in the receiver, I accede to it largely. A great deal of money is spent in improvements, and it is a very common thing for the tenant to offer to pay so much, provided he is assisted to a certain extent, or he offers to rebuild his house, or to add a cow-house or a stable, and so on, out of his rent, that is to say, you are to allow him to retain the price out of his rent; and sometimes he offers to divide it over several gales, as they call it, of rent, he taking a fifth, or a tenth, still paying a portion of his rent, and retaining the rest. That kind of arrangement frequently occurs.

726. It is an allowance of rent, as a compensation for the improvement, if I understand it rightly?
It is an allowance out of his rent, in the sense that he is allowed to take a portion out of his rent, and apply it to the improvement.

727. Earl of *Devon*.] He pays so much less rent in money?
Yes, and spends the balance in improvement.

728. Earl of *Clarendon*.] Do you suppose that he does that without looking to compensation afterwards for it?
He is obliged to depend upon honour as the case stands now; and I think he is not always disappointed in that respect, for when farms are to be let again, if I am told that such and such tenants have made improvements, I always consider it in giving those tenants a preference, not only over those that offer the same amount, but over others who offer even more. I think that a tenant who has improved ought to be considered in the first instance. It is very rarely indeed that he does not obtain a renewal of his lease, as far as we can give it.

729. How would you deal with his claim for compensation for any improvements he might have made?

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I could not do more than continue his holding, letting him derive his benefit from the improvement by continuing the holding.

730. Supposing he does not wish to continue his holding, but wishes to have compensation for his outlay, how do you deal with the case?

Then I am powerless. I have no fund or means whatever to effect that.

731. *Chairman.*] Do you find the tenants very anxious to get leases?

Quite otherwise; in fact, one of the rules of Lord Chancellor Brady was to compel them to take leases in all cases in which the rent is more than 5*l.* The lease contains covenants against subletting and for the husbandlike treatment of the land.

732. Lord *Meredyth.*] For what duration?

Seven years, pending the cause, unless in the case of minors and lunatics, in which, by a special Act of Parliament, the Chancellor may grant leases for a certain term of years; but in a creditor's cause, or an annuitant's, or a jointress' cause, you can give it only for seven years, and pending the cause; so that even the seven years may be cut short by the termination of a cause.

733. Did you ever know an instance of a tenant wishing to surrender his land and receive compensation for any improvements upon it?

I do not think I was ever asked for compensation, as they perfectly understood that I could not give it.

734. Did you ever know an instance of a tenant wishing to surrender his farm and give up his holding?

You mean at the end of his term; I have known a very few instances of men of some capital who have preferred to go somewhere else, but those cases have been very few indeed; it is, generally speaking, the great anxiety of an Irish tenant to keep his land.

735. Earl of *Devon.*] Have you known many, or any cases, in the course of your experience, in which you would willingly, had you had the power, have made some compensation to a tenant for improvements partially effected at his expense, when the duration of his term had come to a close?

I should at any time be glad to compensate a tenant if I was sure that he had made the improvements; and if a receiver in whom I have confidence told me, "I know that man has built a good slated house; I know that he has very much improved the land;" or that he has been draining in a satisfactory way, and that he has very much improved the soil, I should think it an act of dishonesty, if I could be sure of the fact, not to compensate him as far as I could.

736. Have you known cases, within your experience in managing estates, where, from the absence of power to give them a longer continuance of interest in the property as a compensation for improvements, hardship in that respect has been sustained by a tenant?

I do not remember such a case coming before me, for this reason; if the cause continues I can give them the benefit of it by continuing the holding to them; and if the cause comes to an end, they do not come to me, for my jurisdiction is at an end; they must take their griefs elsewhere; I have nothing more to do with it.

737. Has it often been made a condition or stipulation by tenants, before they offer to make improvements sharing the cost of those improvements with the landlord, that the term should be of a greater duration; has that ever come before you?

It can only occur in the cases of minors and lunatics; for in those cases alone the Court of Chancery has power to give leases to hold on after the termination of the cause; and in those cases I think there have been, in fact, I am sure there have been such stipulations; I have always freely recommended it; in these cases it must go to the Lord Chancellor; I can only recommend it, but I never knew of his refusing to adopt my recommendation.

738. Have you had sufficient experience in that respect to enable you to lay down any general principles as to the duration of the period for which a continuance should be granted for each class of improvement?

No.

739. I dare

739. I dare say your attention has been called to this part of the Bill, which is called "Part 3," under the head of leases; the part relating to compensation, in short?
Yes.

740. You are not prepared, perhaps, to give any opinion upon the duration of those periods?
No, it is quite out of my experience, only I am sure that it is quite right to distinguish the two classes of improvements; the more permanent improvements, and those of a more "transient" nature, as they are called in the Bill. There is a third case not mentioned here, which I think it would be well to consider, namely, courses of husbandry where a good deal of money is spent in preparing land for a three or four years' course of husbandry; it is quite evident that a farmer who did that should have the benefit of the money he has so expended.

741. Do the Committee rightly understand you to state that the cases a numerous within your observation in which tenants have offered to make improvements, showing the expense with their landlords?
I could not say that they are numerous. I do not remember many such cases.

742. They have occurred within your knowledge, however?
Yes, certainly, they have occurred.

743. Marquis of *Bath.*] You were asked whether there had not been claims made upon you by tenants for compensation for improvements they had made, and, if I understood your answer correctly, you stated that such claims had been made, and that by continuing the term of the lease, you considered that you were able to give them that compensation?
That was the only one in my power.

744. Do you consider that that compensation was practically sufficient for the improvements that the tenants had made as between man and man?
I could not tell; for in order to decide that question, I should have to know what the expense of the improvements had been, and to have entered into a great number of particulars which never really came before me.

745. Did you find that the tenants themselves were practically satisfied by that extension of the lease?
Your Lordship will remember that I never, or very rarely, see the tenants, and that is one of the evils that I have often felt in my office. I only see one side of the question. I have only the receiver to deal with. It would never do to bring up the tenants from all parts of the country, and therefore I only know what the receiver tells me; of course I inquire from him, and sift his statement if I feel any questions to be necessary; but a great deal of what your Lordship asks me would be known only from an examination of the tenant himself. In fact, the thing lies very much outside the limit of my ordinary experience.

746. Then you have no knowledge, at any rate, that the compensation is insufficient?
No. I have understood, having read a good deal upon the subject, that a continuation of the tenancy would in all cases be a sufficient remuneration. Take, for instance, draining. I have heard it stated that in 12 or 14 years you are fully recompensed, and even in many cases much sooner for the expense of draining, and similarly in other cases.

747. *Chairman.*] You have stated that you think written contracts very desirable?
Yes.

748. Would you be good enough to inform the Committee how far you would go in legislation to enforce that practice?
I am afraid it would be impossible to establish it, without enforcing it; I mean without making it an absolute necessity; there is so much, perhaps, indolence and carelessness, and so little liking of the trouble of looking into their own affairs, and making a distinct bargain in every case, on the part of the landlord; and on the tenant's part, so much shyness and a sort of tendency to depend upon the subtleties and the cleverness of the sessions tricks, by which

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which he has escaped often from his engagements, that I am sure nothing short of making it a necessity will induce them to adopt the principle of written contracts.

749. Do you mean by putting a narrow limit to the landlord's recovery of rent in any case?

As to the mode of enforcing it, I should require a good deal of consideration before I could venture to give a positive opinion, but I think there are ways in which you could bring about the very desirable end of having contracts in every case. I ought perhaps to say why I think so much of contracts; I think it is a disgrace to the law that the rights of men and the administration of justice should depend upon mere subtleties, upon things which the ordinary human mind, whether educated or uneducated, can rarely connect with a moral principle; now, if you have a contract, everyone understands that a man ought to hold to his bargain. If you have a contract, the question before the judge is, what has been your contract, and has that contract been honestly fulfilled? In those inquiries the law goes along with the conscience; whereas hitherto it has in many cases been in hostility to the natural conscience of men. Every man is shocked if the right of an individual is defeated by a mere technicality or quibble, or by some feudal principle which he does not in the least understand, such as that which Baron Deasy's Act abolished, the necessity of the reversion, and the deducing certain principles from feudal tenure. All that shocks the conscience. I wish to put the administration of the law in harmony with the principles of right and wrong, which I believe to be implanted in every human heart.

750. Earl of *Clarendon*.] And common sense?

And common sense; that I very much desire, and that is one reason why I so much wish for written contracts in every case. Then I have been assured that the great majority of the land in Ireland is held by leases from year to year. I know, with all the efforts I have been able to make to introduce written contracts in my own case, that I have never been able entirely to succeed; the tenants seem so attached to the holding from year to year, whatever the reason be; probably, in part, the expense, and perhaps also a fear of a contract; a dread of entanglement in some way. I would recommend that on a certain day, about 12 months after the date of the Act coming into operation, there should be an end put to every tenancy from year to year in Ireland. There would be time, in the meanwhile, to form contracts; and if there were difficulties on the part of the tenant, the landlord could put him out by ejectment, or, as that is a very ungracious thing, and sometimes a very dangerous thing, I would allow the landlord in such a case, if the tenant held out, to register a lease, such as is sketched out in this Bill, as against the tenant, for say seven years, adding to the rent then existing between them, say 10 *s.* in the pound, or some small increase in the rent, which would be quite enough, I think, to make the tenant come in at once, and sign his contract. I am only throwing this out as a suggestion of a possible way of doing it.

751. Do you not think, as you say there is such great affection amongst the Irish tenants for this yearly tenancy, and such very great aversion on their part to written contracts, that it would be rather a violent measure, within a year after the passing of this Act, to render that which is so distasteful to them compulsory?

I think they would not be the worse for a strong measure; and I think they would submit to a strong measure rather than to a mere temporising one. I think, with certain exceptions which we all know, the Irish nature is really inclined to submit to a firm hand if just and kind, and to a recognised authority. No doubt there are disturbing forces, but I think that a strong measure would have more likelihood of success than any other. However, perhaps I am speaking very rashly, for it is only my own crude thoughts that I am giving. I have not had any practice amongst them, and I have no personal knowledge of these matters, at least not for a good many years.

752. Earl of *Devon*.] You must have had a great deal of experience in the case of estates which are in a somewhat doubtful position, of which there may be a chance of their coming to sale in a certain period?

Yes.

753. You find upon those estates a good deal of anxiety for leases, do you not?
Yes, a certain amount of anxiety.

754. Would you extend your observation generally throughout Ireland, that the tenants are not anxious for leases?
I can only speak of my own observation; but I have been assured that half, or more than half, the land in Ireland is held from year to year; but that is only hearsay.

755. Under the arrangements of the Court of Chancery are you connected with any particular part of Ireland more than with any other?
No.

756. *Chairman.*] Have you had occasion frequently to enforce the present law of distress?
I know very little of distress, because, by the rules of the Court of Chancery, a receiver may distrain without consulting the master; he cannot bring ejectments, he cannot have an attachment, without coming to me for the authority, but he can distrain when he pleases. But I really think there is not much of it, because it generally involves some expense, and those expenses would be noticed in his account. I do not think we have much distraining.

757. Lord *Dunsany.*] You said, with regard to small holdings, that you do not consider leases desirable?
I did not mean that leases were not desirable if you have small holdings, but I think small holdings are not desirable.

758. Where they do exist you are in favour of leases?
I am.

759. However small the holdings may be?
However small they may be.

760. Have you any opinion as to what length of lease is desirable in the case of very small holdings?
I have no personal knowledge, but I have understood 21 years to be a good practical term, and satisfactory to the people.

761. *Chairman.*] Do you happen to recollect whether you have had experience in the cases of many or any estates in the county of Cork?
I do not think I have had experience of any large estate in that county.

762. You have never had the least reason to suppose that the rents in that county were particularly high, and higher than those in other parts of Ireland, have you?
No, I never heard it. I remember a very contested case in which I was taking the account of a mortgage in possession. The land lay near the estate of Mr. Aldworth of Newmarket, one of the first commoners in the county of Cork. All the witnesses, land agents, and country farmers said that Mr. Aldworth was a model landlord. They all said, "Anything that Mr. Aldworth does is right; his rents are model rents;" "If we were only treated as Mr. Aldworth treats us;" and so on. That is one specimen, and the only one I remember in the county of Cork.

763. Lord *Dunsany.*] Have you ever had occasion to use Sir Richard Griffiths's valuation, as being some guide in the receiving or lowering of rents of property?
Yes, frequently.

764. Do you consider it to be a trustworthy guide; and, if so, how much is it above or below what you would consider the letting value of the property?
I am not prepared to answer that question with accuracy, because I always consult the receiver. I have been assured in some places that it is too high, and in some places that it is too low; but according to what I generally hear, you must add, I believe, to the letting value one-third or thereabouts.

765. On the average, how much do you consider that you ought to add to Sir Richard Griffiths's valuation to arrive at the proper letting value, which would be neither too high nor too low?
I have

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I have been generally told a third; but really I am no authority upon that subject; it is quite out of my range.

766. It does not come in the sphere of your duties?

Yes, it does to ascertain the value; but I never depend merely upon Sir Richard Griffiths's valuation, but I get the opinion not only of the receiver himself, but I also very often write to some neighbouring gentleman, or the agent of a landlord, and request that he would be so good as to tell me what the farm is fairly worth, if the question arises.

767. Supposing an estate were sold under the court, which must very frequently happen, Sir Richard Griffiths's valuation would be always an element in calculating the value of it, would it not; in your office you would take Sir Richard Griffiths's valuation as an element in your calculations?

We have hardly had any sales in the Court of Chancery since the Encumbered Estates Court was introduced in 1849; that business has been almost entirely transacted since then by the judges of the Encumbered Estates Court and the Landed Estates Court.

768. The Court of Chancery washes its hands altogether of it?

Except in cases of small value; sometimes in very small cases, they request that it may be sold by the Court of Chancery.

769. *Chairman.*] Do you think, with respect to the interests of the remainder man, it is too much to allow a tenant for life to grant agricultural leases for 21 or 31 years; would you go to the extent of allowing a tenant for life to grant agricultural leases for 31 years, either with or without special improvements.

I should think that justice demands that a tenant for life should, with certain proper restrictions, have the right to give agricultural leases for at least 21 years; the difference between 21 and 31 years is one that I feel not competent to decide upon, but whatever would be a fair agricultural lease for an honest well-disposed tenant I am sure he ought to have, and that no consideration of the family relations of the landlord ought to prevent doing justice to the poor man. I think it would in the end be far better for the remainderman that he should have a contented and improving tenantry.

770. Marquis of *Bath.*] Have you any experience upon what length of lease buildings have been erected and land has been improved by tenants.

No.

771. *Chairman.*] What is the restriction of your office generally upon giving leases.

We can only give them for seven years, and pending the cause, so that we cannot even give seven years, for if the cause ends, the lease comes suddenly to an end.

772. It is seven years at the longest, except in the case of minors and lunatics, is it not?

Except in the case of minors and lunatics.

773. Lord *Meredyth.*] But setting aside the question of leases, do you think it would be necessary to establish any control over the exercise of the enlarged powers given under this Act to limited owners as regards compensation agreements?

It is quite essential that you should give those powers, if you are to carry out the view of compensation agreements; in fact you cannot do without it; you can have no compensation agreement of any value, unless it can extend beyond the life of a tenant for life.

774. Marquis of *Bath.*] I think you said with regard to leases, that you would like to see them subject to proper control; I think that was your expression?

Yes.

775. Which do you think would be preferable for the tenant, looking only to the agricultural tenant, that the tenant for life should have power to grant a lease for a short term, say 21 years, with practically no control over him, or that he should have power to grant a lease for a longer period, say 31 years, but

but subject to the approbation of some tribunal or other in law; whether, in short, to put the question in another shape, the difficulties in the way of obtaining the consent of a legal tribunal would not neutralise the advantage of the power of granting a lease for a longer term?

When I mentioned control, I had in contemplation the ordinary leasing power which you have in almost every English marriage settlement; that I think is in itself a proof that society has gone before legislation in that particular. Almost every tenant for life is armed with the power to make leases for 21 years, not more, I think; it is seldom more than 21 years, but the control is, that it must be at the "best improved rent" (that is the expression); there must be a lease, in duplicate, one for each party, and there must be a clause for re-entry, and things of that sort. That sort of control was what I had in contemplation, not going before a court in the first instance.

776. You are probably not aware that in almost all settlements in England the leasing power hardly ever goes beyond 21 years?

That was my impression; I believe the tenants would be quite satisfied with that; I do not think they look for more.

777. *Chairman.*] Have you found the law deficient in protecting occupying tenants who hold under middlemen, from claims of superior landlords for sums which their immediate landlord has omitted to pay to his superior landlord?

Such cases have occurred quite sufficiently often to make it a wise and right thing to save them by legislation, but still I think it is not a common case.

778. The occupying tenant, you think, is sharp enough to look after that?

Yes, I think so; I suppose so, for I seldom hear complaints about it.

779. You have not had many complaints brought before you upon the subject?

No, I think not; but I know it has occurred.

780 Lord *Meredyth.*] In endeavouring to enforce a system of written contracts, I think you said you would put a pressure upon the tenant by allowing the landlord to increase his rent if he did not come in?

Yes.

781. What pressure would you put upon the landlord, supposing he was the party who was not willing?

I should allow the tenant to register the lease upon his own signature for seven years at the then existing rent, subject to all the qualifications and privileges and obligations prescribed by this Act. Then you bring them at once within the sphere of a contract, and I think the very unwillingness to be compelled in that way would induce every landlord to come forward. But in saying that I am not venturing to give that as a mature opinion.

782. *Chairman.*] But you would not go beyond seven years?

In a compulsory lease of that kind I would not go beyond seven years.

783. Marquis of *Bath.*] Supposing the landlord offers the tenant a lease, and the tenant thinks the rent asked for unreasonable, who then would be the party to enforce it?

The landlord at any time can dismiss the tenant who is holding from year to year, by giving him notice to quit. I would take care that the Act of Parliament should give 12 months' notice, at all events.

784. Do you not think your proposal would practically compel every landlord to eject his tenants, if he did not wish to give leases to them?

I think a landlord would hardly venture upon any such sweeping act. I doubt it very much indeed; he would certainly very seriously injure himself if he ejected all his tenants.

785. All whom he did not wish to give leases to?

You mean certain individuals. No doubt he might do that; that is a power he has at this moment; he has but to give six months' notice and he can get rid of a tenant to whom he is not inclined to give a lease.

786. Lord *Meredyth.*] You said you thought the public had a right to expect from

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from Parliament some simple law upon the subject of landlord and tenant which would be generally intelligible?
Yes.

787. And in intelligible language, of course?
Yes.

788. If such a law could be passed, do you not think that the consequence would be a great diminution of litigation in the country?
I should hope so; that would be one of my objects. When I say that, I am thoroughly alive to the difficulties of such an undertaking; but if it is considered by others as desirable as it appears to me, I do not think we shall shrink from these difficulties. As Justinian did a great deal more, in an age of very considerable intellectual decay; as Napoleon did a great deal more, in our own century, both gaining great glory by it, I cannot see why the English Lords and Commons should shrink from an undertaking of that kind, though I feel it requires extreme care and much deliberation. Perhaps I might be allowed to mention that there is a provision in what I have called Baron Deasy's Act, the Act of 1860, which in point of fact causes all leases to terminate after the crop has been separated towards the end of the year. I think that that is a most valuable arrangement, and I should be glad to see it incorporated in any Act by a provision to this effect, that whenever a lease terminated, whether by effluxion of time or by the termination of the life on which it depended, still, in the contemplation of the law, it should have its continuance, say, to the 1st of November, giving the tenant time to take the benefit of his labours, and to sever the crop. That would, I conceive, remove many occasions of irritation and bitterness, and hardship and injustice too. It seems a very cruel thing to rush in between the poor man and the result of his spring labour. It would also give time between the 1st of November and the commencement of agricultural work the following year, to choose a new tenant, and for the poor man to make an offer for a renewal, and so forth.

789. *Chairman.*] You think the present law with regard to emblements is not sufficient, and requires to be improved?
I think it would be very desirable to let the tenant have the management of his crop.

790. Earl of *Clarendon.*] That clause in Baron Deasy's Act is in operation now, is not it?
Yes, it is in operation now, and with very good effect.

791. Is it general throughout Ireland?
Yes.

792. Is it adopted?
It must be, it is the law of the land; but there is this possible root of litigation in it: it says, "in a proper case for emblements." Now, there has been a good deal of discussion, and a thick volume has been written upon what are emblements, and when it is a case for emblements, and so forth; whereas, I should propose a simple clause, that every lease should extend to the 1st of November after its termination.

793. *Chairman.*] Would you have that occur when the life dropped in the month of March or February, before the agricultural season began?
Perhaps not; if the life dropped before the agricultural operations commenced, then there would be no reason for it. Probably what your Lordship suggests would be a very proper limitation. I want to save the interruption of the management of the crop, and to encourage every man to put in his crop, in the confidence that he that sows shall reap. A provision of that sort I think would be desirable.

794. I thought the common law, together with the statute law, did protect the tenant for all crops in the ground, unless it might be in the case of a holder under a widow who held land; and it is very uncommon, I think, in Ireland, for a widow to hold land, as a portion of the estate of her deceased husband, instead of jointure?
Dower is, I believe, not uncommon in Ireland.

795. In such cases, as soon as the widow dies, the land relapses at once into the landlord's hands, does it not?

I am afraid to give your Lordship a legal opinion, for I have been long separated from practice, and I might go astray; I rather think you are right in the matter.

796. But in an ordinary case, I apprehend that the tenant has a right to crops in the ground under the imperfect law of emblements?

It is fenced round with several conditions and exceptions, and there are many litigated points about it, so that, as I said, there is a volume upon the subject.

797. Lord *Dunsany.*] Would not any such alterations as you propose require to be very carefully guarded against waste on the part of tenants, because the alteration you propose would militate against the very principle upon which leases for lives were adopted, which is to take away the inducement to waste; since, inasmuch as the tenant cannot tell when the last life will fall in, he does not commit waste, but if he knew that on the falling in of the last life he had another twelve months in which to do what he pleased with the land, would there not be a great inducement to interfere with the crops, or to break up the grass land, or to commit any other act of waste?

That is met by the Chairman's suggestion, that it should only apply to cases where the life dropped during the agricultural season. If he has prepared his ground for a crop, if he has ploughed and sowed it in March or April, I suppose he could not commit much waste afterwards. I should prefer to answer the question thus: The precaution referred to is based upon distrust. It assumes that every tenant is a knave, ready to cheat the landlord when he has an opportunity. This has been too much the spirit of the existing leases. I wish to see a law grounded, not upon mutual distrust, but upon mutual confidence. The tendency of distrust is to suggest, to a quick-witted people like the Irish, almost to stimulate them to evade the precaution. On the other hand, confidence is apt to beget confidence. If this experiment is to be tried it is plain that the landlord must take the initiative. This view of mine is not mere theory, it has been successfully tried in the mercantile world. All trade, and especially foreign trade, involves risks, and losses sometimes occur; but I suppose no wise merchant would wish to introduce into his dealings the spirit of suspicion. One reason why I wish to have every agricultural contract put into writing is, because I think most men will willingly execute what they have intelligently and on equal terms agreed to do. A few traitors would be found, but the majority of tenants would feel their honour engaged to keep faith with a fair landlord; and to them the introduction of such a principle would be a moral education.

798. An Irish tenant sometimes commits waste, in order merely to put the screw on the landlord; he says, "If you will not renew my lease I shall break up this land, I have the power of doing it;" it would be necessary to provide against that, would it not?

Yes, no doubt; and it is there that we want the practical knowledge of those who understand the matter better than I do, to carry out in detail what I propose. There is one point upon which I find a great deal of difficulty, an perhaps it might be useful to consider it in a code of this kind. It is this: in the execution of process in Ireland there is no civil power whatever available for the purpose. What I am going to say touches upon matters of state, of which I am quite ignorant; that is to say, with regard to the constabulary, they are a noble body of men, and we are all under the greatest obligations to them now, but they are quite useless for assisting the civil power; they only obey their own officers; they do not take orders from a magistrate; they do not take orders from a sheriff; the rule is, they are never to assist in executing a habere, or giving possession under an ejectment or taking a prisoner under an attachment. Be he ever so refractory, or the country in ever so disturbed a state, no constable will ever be permitted to take part in the execution of civil process. That may be very wise; I do not interfere with it, but some officials known to the law, somebody who had the authority which in England a constable has, with his staff, would greatly facilitate the execution of process in Ireland. I remember, in the times of which I have spoken, in which there was such difficulty in the collecting of

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rent, and when the country was in a state of soreness and rebellion almost, when a habere was to be executed, and a tenant owing four or five years' rent was to be turned out; you went to the sheriff, his fee is half-a-guinea by law, and if he takes more it is extortion; the sheriff being limited by law to half-a-guinea, no effect was produced whatever. You had two courses open to you; you bribed him with 5*l.*, 6*l.*, or 10*l.* (I have known that given) to execute it, and then he takes it upon himself, and appoints special bailiffs, perhaps the greatest ruffians in the country, who have, perhaps, distinguished themselves by their resistance to the law; they are then retained, and go and execute the habere. That was one way; the other was this: the party himself nominates his special bailiffs, and the sheriff gives permission. Of course the stoutest and most unscrupulous men are chosen, and well paid for the work; the whole country is against them, and it comes to civil war nearly. In one case I remember going to Lord Chancellor Brady, when an account was brought to me claiming 10*l.* for a sheriff for executing a certain habere; I said, "Am I to allow this; the sheriff is guilty of what the law calls extortion, but the receiver assures me that it would have been impossible to execute the process in any other way; although it was not legal they paid the 10*l.* for it, and the work was done." The Lord Chancellor said he saw no way but to allow it.

799. *Chairman.*] Are you aware that by a late Act the chairman of quarter sessions has the power to appoint an officer for executing his decrees?
Yes.

800. Would you give him the power to appoint more persons of that class to execute such decrees as you have been speaking of?
I do not know practically how that works, but I suppose he appoints men for the occasion. I should want to see officers of justice as permanent constables, men that would be known to be officials, and I think their interference would fret the people a great deal less than men they know to be hired for the purpose of doing a desperate work. There was another difficulty which suggested itself in reading the Bill. It is proposed here that leases for years should be considered real property, so as to descend to the eldest son. I believe that that would be a very useful thing to prevent the subdivision of land, which is so unfortunate for both landlord and tenant; but then comes the case of daughters. If there are no sons but daughters, which sometimes occurs, then they are joint tenants, not tenants in common. That might lead to very great difficulty, unless you can give some facility for those people to purchase amongst themselves. One daughter might marry a man with some wealth, and he would be very glad to buy out the others, and the others would be very glad to sell; but there is a great uncertainty, arising from its depending merely upon the life of a person, and the chance of survivorship. Some provision of that sort would appear to be very important to facilitate the consolidation of the farm again, and also to prevent the family pain of one party dying before her sisters, when the whole property goes away from her children over to a survivor. I am afraid that that would produce great confusion.

The Witness is directed to withdraw.

Mr. ROBERT RUSSELL is called in; and Examined, as follows:

Mr. *R. Russell.*

801. *Chairman.*] I BELIEVE you are extensively employed in the management of estates in Ireland?
I am.

802. And have had experience in more than one county, at any rate?
Yes.

803. Perhaps you will be good enough to state to the Committee the counties with which you are most familiar?
Donegal and Meath.

804. How long have you known the county of Donegal?
Forty years.

805. Has

805. Has the general condition of that county with respect to the tenure of land been unsatisfactory, occasioning frequent disputes between the landlords or their agents and the people?
I should say not; it is very seldom that there are any disputes between the landlords and their tenants.

806. Do you apply that answer to the present time or to a long period of years back?
To a long period; there may be exceptional cases, of course, and there have been.

807. There have been very striking exceptional cases, have there not?
Yes, two, I should say, perhaps; not much more than that.

808. You recollect a case, probably, of a new purchaser, a gentleman of the name of A., who came into possession of property by purchase?
I do.

809. And whose agents were assassinated?
Yes.

810. The Committee have been given reason to believe that previous to that there were no agrarian disturbances in Donegal; was that so?
I should say it was not so; there had been previous disturbances; for instance, the person whom Mr. A. purchased from had a narrow escape of being assassinated himself.

811. Were there any abnormal conditions upon this particular property that made the possession of it so dangerous?
No, not that I am aware of, only that that district of country being a very wild mountain district of country, and had been very lawless for a number of years.

812. Lord *Meredyth.*] In what year did that occur?
I think the time that the life of Mr. M., the person whom Mr. A. purchased from, was attempted, was in the year 1844.

813. But Mr. A.'s case was at a much later date, was it not?
Yes, in 1857, or thereabouts.

814. *Chairman.*] I gather, from what you have said, that the peasantry of the country had customs of their own, which they were determined to maintain in spite of any laws that might be passed by Parliament; was that the case?
With the exception of tenant-right, I do not know any other custom that they had.

815. Then was it a breach of that tenant-right that occasioned the disturbance to which you allude particularly?
I think it was.

816. Has tenant-right prevailed in that country all the time you have known it?
Yes, and many years before.

817. Has there been much improvement of the country under that system?
There is certainly improvement under that system; the tenants go on improving their holdings, and improving their dwellings.

818. But have not the people generally resisted the improvements, and was not it in the endeavour to enforce improvements that Mr. A. incurred their displeasure?
No, certainly not.

819. Will you state what were the circumstances; they were notorious, I believe, in the country, though the Committee are not familiar with them?
After purchasing a portion of the estate, he had purchased the perpetuities or the royalties rather of another portion which he afterwards got possession of, and when he was going to shoot, in the first year after he got it, the tenants turned out and mobbed him. I think it was in revenge for that, perhaps, that he brought the evictions.

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820. Why did they turn out to mob him; what was their object?
I think it was in consequence of the former proprietor not wishing him to have these royalties; he thought he had the right to them himself.

821. Then it was not the state of the law in any particular point, you think, which gave rise to the disturbances?
I should say not.

822. But, previous to that, there were disturbances; I think you said in the year 1844?
Yes, I think it was in the year 1844 that Mr. M.'s life was attempted.

823. Do you allude to the disturbances in Gweedore?
No.

824. There were other disturbances in 1844?
Yes.

825. Of what character were they; had they reference to the possession of land?
It is a long way removed from the places I have anything to do with, and I am not exactly conversant with all the particulars.

826. You are not particularly acquainted with the locality where those disturbances took place?
No.

827. Was it an extensive stealing and killing of sheep that you alluded to?
Not on Mr. A.'s property.

828. I think you said that in 1844 there were disturbances?
That outrage in 1844 (I think that was the year) arose out of some dispute, which Mr. M., the former proprietor of Mr. A.'s property, had with his tenants; some evictions, I think.

829. Earl of *Clarendon.*] That was one of the exceptional cases to which you alluded?
Yes.

830. Is the tenant-right to which you have alluded, what is commonly called the tenant-right of Ulster?
It is.

831. Do you consider that under that, a tenant is placed in advantageous circumstances for improving his property?
They go on improving under that tenant-right; they consider that the purchasing of that tenant-right gives them, in fact, an interest in the land as good as the proprietors.

832. It gives them fixity of tenure?
It gives them fixity of tenure.

833. About what is the rate that is paid for tenant-right; I suppose there is something like a regularity in the tariff, is not there, of the purchase-money that is paid?
It depends very much upon the locality. Upon the large proprietors' estates a very much larger sum is given than on small proprietors' estates for the tenant-right. On Lord Conyngham's estate, which I manage, it varies from 10 to 20 years' rent.

834. That is, from 10 to 20 years' purchase?
Yes.

835. Then a man pays nearly the fee simple of the land, in order to have the privilege of paying the proper rent to his landlord?
Yes.

836. That is the reason I asked you whether, where tenant-right prevails, a tenant was under circumstances that would enable him to improve the land, and do justice to himself and his landlord, and you say you think he is?

It

It very often happens that to make up these sums they are obliged to go into debt; they borrow from whom they can at a high rate of interest.

837. Then the tenant enters upon this business which is every day becoming one requiring more and more science and skill and application of capital, with this millstone round his neck?
Yes.

838. Surely he cannot be in a position to do justice to himself and his landlord?
Such is the system.

839. Lord *Churston.*] We want to know whether in your judgment it is a good system?
If it could be got over it would be very desirable, but I do not see how it can; it has been going on for so many years that a man thinks when he pays so much for the right to hold his landlord's property that he has a right not to be dispossessed of it without the privilege of selling it to another.

840. Earl of *Clarendon.*] It is a property charged with a rent to be paid every year; the consequence is, the tenant must be perpetually in difficulties. I do not see how a man is to live who pays the fee simple of the property (for it comes very nearly to that), and has to pay what his landlord expects and considers to be a proper rent for it afterwards?
Unless he has the money accumulated, he is in difficulties all his life; but in many cases by frugality and industry, he in a few years is enabled to pay off the sum borrowed.

841. Has not it struck the people that that cannot be a good system which secures a man's being in difficulty all his life?
The tenants in Ulster do not appear to think so; they think it gives them a security, and so anxious are they to possess land that they gladly avail themselves of *it.*

842. *Chairman.*] The north-west division of Donegal, I believe, is, in parts, very much subdivided, is not it?
Along the shore district of the county it is very much subdivided.

843. It is subdivided in point of value as much as in point of extent, I believe; because a great deal of the land is very wild land, is it not?
It is.

844. Did the landlord or landlords, do you suppose, in that part of the country, sanction the subdivision in most or in all cases?
It is in every case tried to be prevented, and has been prevented very much of late years. At one time it must have been sanctioned; I think it was sanctioned, perhaps, during the time of the 40 *s.* freeholders.

845. Do you think that the subdivision has increased?
There is no doubt it has increased, and it is a most difficult thing to prevent it.

846. In those cases of subdivision is there a tenant-right price paid?
No, the subdivisions mostly take place between a tenant and his family.

847. And in that case no money passes?
No money passes.

848. But each person who has got into the land would expect money for his share of it, if he was ejected?
Quite so.

849. In that district to which you have alluded where this subdivision has so gone on, and this tenant-right has been paid, practically has it been possible for the occupants to really improve the country; for instance, have they made new roads at their expense?
Yes, they have; the country has been greatly opened up in the way of roads within the last 40 years.

850. By the exertions of the tenants?
Yes, they have made roads to their holdings from the principal roads made by the counties, in many instances assisted by the landlords.

 851. Have

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851. Have they reclaimed much land from the mountains?
A considerable quantity.

852. More than you think a higher class of tenantry would have done, or less?
I think more; their necessities obliged them to reclaim, whether it paid them or not.

853. If they could live upon what afforded previously no sustenance for a man, it paid, I suppose?
There was sustenance.

854. They are, I take it, a very poor class, and they live in a very inferior condition of life for the inhabitants of a civilised country?
No doubt of it.

855. Earl of *Clarendon.*] Do the landlords generally stop out of the tenant-right purchase-money all arrears due to them?
The landlords invariably stop all arrears due to them.

856. Out of the purchase money of the tenant-right?
Out of the purchase money.

857. That is to say, out of what the in-coming tenant pays, a portion goes to the landlord for arrears?
If there are any arrears owing.

858. This transaction passes entirely between the in-coming and the out-going tenant; how does the landlord get hold of the money?
The in-coming tenant never pays without coming to the landlord's office to seein what state the former tenant's rent was.

859. Then is the sanction of the landlord always given to the exercise of this right?
It is.

860. Should you say that in general the landlords are favourable to the tenant-right of Ulster?
With small tenants it is a protection to the landlords.

861. That is to say, it gives them a power of recovering their arrears?
Yes.

862. I suppose that is the reason why there is not so much objection made to it by the landlords, as it would seem natural to expect?
Yes.

863. Earl of *Lucan.*] Will you be good enough to tell the Committee whether the rent in the county of Donegal exceeds or is less than Sir Richard Griffith's valuation?
In some localities it exceeds it, and in others it is less. Sir Richard Griffith's valuation depends very much upon the valuator; some of the valuators sent round put a much higher value than others.

864. Then the tenant pays not only Sir Richard Griffith's valuation, but a sum in excess of Sir Richard Griffith's valuation, and 18 or 20 years' purchase besides for his tenant right?
Yes.

865. Duke of *Devonshire.*] Do you think rents are lower or higher where tenant right exists than in those parts of Ireland where it does not exist proportionately to the value of the land?
I should say where the rents are considered low the tenant right sells higher.

866. Are rents in general lower where tenant right exists than in other parts of Ireland where it does not exist?
I should say not. I should say that Meath, where tenant right does not exist, is perhaps the lowest-rented county in Ireland that I know of.

867. Lord *Meredyth.*] And it has some of the finest land?
Some of the finest land.

868. *Chairman.*]

868. *Chairman.*] Is there much bad land of the same quality in Meath as that in Donegal, of which you have been speaking?
Very little indeed.

869. Is there much of the fine grass land in Donegal that there is in Meath?
Not of the same quality, but there are good grass lands along the shore of the country.

870. To put the Duke of Devonshire's question again, do you think, practically, that land of a certain quality in Donegal brings to its landlord a higher or a lower rent than land of the same quality in Meath?
I think land in Donegal of the same quality would bring a higher rent than in Meath.

871. With respect to the money paid by the incoming tenant under tenant right, does the out-going tenant have the free distribution of it without reference to the landlord or anybody else, after the landlord's claim is actually paid; can he do what he likes with it entirely?
With the sum he receives of course he can.

872. Are you aware that there has been a case in bankruptcy in Dublin where that point has been a good deal in dispute as to how far the creditors have a right to take that as part of the man's assets?
I think that case occurred in Mr. Hamilton's estate. I saw that case reported.

873. According to the evidence given in that case, it appeared, and it was ruled in accordance with that appearance, that the landlord had a share in the distribution of the property, and that the creditors could not insist upon considering it as part of the assets at the tenant's disposal; was not that the result?
I think that point was disputed.

874. It was, but it was ruled in favour of the tenant; he got his discharge from the Court?
Yes.

875. And the creditors did not get the money?
No; because the landlord gives the tenant permission to sell by auction, without making any reservation.

876. Earl of *Clarendon.*] Reservation of what; of his own rights?
No, he got his own rights; but of anything else.

877. *Chairman.*] Although this was so far considered property as that it was sold by auction, the money that was handed over was not considered entirely the property of the tenant, and therefore his creditors could not get hold of it; that was the case, was not it, as ruled by the court eventually?
I think it was ruled that the money was considered to be the tenant's.

878. No, it was not so, because if it had been the tenant's the creditors would have had a claim upon it as they would have upon any other of his monies; but it was ruled that the tenant had not the money for his free disposal, and therefore he got his discharge under the court, although that money never came into his creditors' hands as assets; that was the ruling, I think, eventually?
I forget, I am sure; it was not a case I was interested in.

879. Earl of *Lucan.*] Will an estate with the tenant-right upon it, fetch the same value in the market as an estate without the tenant-right upon it?
I should say that there was a case in point at present in Mr. Connolly's estates; a portion of them were sold the other day, where the tenant-right exists to a very considerable extent, in fact, nearly to as great an extent as it does anywhere in the county, and some of the lots brought 33 years' purchase.

880. Therefore, adding 18 years for the tenant-right to those 30 years, they sold for 48 years' purchase?
Yes.

881. Marquess of *Bath.*] What is the system where tenant-right prevails for valuing

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valuing the rent of the land; when does the landlord come in to value, we will say to increase the rent, supposing the land has improved in value; is there any system generally observed?

It very often happens, though there may be no written agreement, at the termination of 20 years from the last letting.

882. I am supposing a case where there is no agreement; generally it is about the end of 20 years?

Yes.

883. It is almost an understood lease of 20 years?

Yes.

884. Is there any difference in the value of the tenant-right of a farm when that period of 20 years is near its termination, or, we will say, at the commencement of that period?

No, I have never observed any difference; sometimes they have come and told me they have promised to give a very considerable sum for a tenant-right, and I have said to those tenants, "Are you aware that we are about to have a new valuation of that part of the estate?" They say, good-naturedly, "Well, I suppose we shall not be worse off than our neighbours."

885. Do you think the value of tenant-right is influenced much by improvements which the tenants have made, or by an improvement generally in the state of the farm; do you think the land of a 10-acre farm, with a good building upon it, has increased value on that account?

I do not think they put much value upon the building.

886. *Chairman.*] The land is what they look at?

Yes.

887. Earl of *Lucan.*] Possession?

Yes, that is it, possession.

888. *Chairman.*] Possession of land?

Yes.

889. Earl of *Clarendon.*] Do the tenants under this tenant-right occupy their farms for as much time as tenants who do not pay that large amount in other parts of the country with which you are acquainted?

They remain in possession for generation after generation.

890. Notwithstanding the distress in which they are always going on?

Yes.

891. Earl of *Lucan.*] Do you think that there is a greater change of tenantry in those parts of Ireland where there is no tenant right, than in those where there is tenant-right?

I do not think the change of tenantry is as great as in the parts where tenant-right does not exist.

892. Earl of *Clarendon.*] Let me ask you, as a sort of completion and corollary to what you have said, how do you account for tenants in the north being willing to pay the full value of what they pay in the south, and the tenant-right besides?

From their anxiety to get possession of land.

893. But then, how can they retain possession if they fulfil their engagements; I do not understand how a man is to buy an estate and to pay rent for it?

They do so all over the north of Ireland?

894. Earl of *Rosse.*] Does the linen manufacture affect it at all?

No, that is confined to one locality.

895. Earl of *Lucan.*] Do you suppose that if any proprietor in the south of Ireland was determined upon establishing a tenant-right upon his estate, he could sell his leases at 18 or 20 years' purchase, and still receive a full amount of rent?

I think it would be a very unfortunate thing for the south of Ireland if they were to introduce such a system.

896. Do you think, in such a case, that tenants could be found to give that excessive value for what you call possession?
In all parts of Ireland, I believe, a sum, either directly or indirectly, is given for possession.

897. You think that there would be a good deal given for possession?
Yes.

898. Lord *Meredyth.*] Even now?
Yes, with an equitable title.

899. Earl of *Clarendon.*] For good will.
For good will.

900. *Chairman.*] In some places I am afraid the agent gets a little?
I do not know, indeed.

901. Lord *Churston.*] With regard to the large farms, do they change hands in this way, by a sum being paid for the tenant-right of them?
Yes.

902. Farms of 600 acres?
In the north of Ireland there are very few farms of 600 acres; I scarcely know any.

903. Take the largest in any part of Ireland you are acquainted with; say 100 acres; will a man pay the same rent, and 10 *l.* or 20 *l.* an acre for the tenant-right on coming into it?
Yes.

904. Men are found to do it?
Yes; for large farms they give 700 *l.* or 800 *l.*, or even 1,000 *l.* for possession.

905. Earl of *Lucan.*] Is not it the fact that in those parts of Ireland where the tenant-right exists there is a greater subdivision of land than there is in any other parts?
I think the holdings are smaller.

906. *Chairman.*] The holdings throughout Ulster are smaller?
Yes.

907. In these tenant-right districts, I presume, there are not often leases, or any written contracts, as between landlord and tenant.
Very rarely indeed.

908. Do you think it would be an improvement, or not, to introduce written contracts?
I think it would be a decided improvement; the tenants, in a general way, do not much relish taking leases; they say they prefer holding without them. If they have a lease it marks a period, and at the expiration of that period it is considered that a new valuation may take place, whereas if there is no written agreement they may be passed over.

909. I should like you to understand that such a written agreement, as I speak of, might be applicable entirely to a yearly tenant without marking a period; do you think they would be suspicious of having such a document regulating their holding?
I am quite sure they would not do it unless it was made imperative.

910. Would they resist it very much?
No, I do not think they would; I think, in a general way, the tenantry in the north of Ireland, are not much inclined to resist any law.

911. Earl of *Clarendon.*] But it must be law?
It must be law.

912. *Chairman.*] Excepting in those wild parts of Donegal they are, in general, you think, reasonable men.
Yes.

913. Who could be made to comprehend, that holding by written contract, would not affect their tenant-right.
Yes; I think they would not consider it to affect their tenant-right.

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914. Earl of *Clarendon.*] Would it not, in reality, affect their tenant-right?
No, I think not.

915. You think that a written contract could be entered into between the landlord and the tenant without interfering with the tenant-right?
Yes, I think it could.

916. That is to say, that if the contract, we will say, was for a lease of whatever term it might be, the tenant would be as free, as he is now, to dispose of the good-will of that lease?
Yes, with the concurrence of his landlord.

917. Is it usual for the landlord to object to any man that the tenant may select for his successor?
Certainly, if he thinks fit to do so.

918. That is usual?
Yes.

919. In general, upon what grounds?
Perhaps on account of the character of the man wishing to come in; both for the protection of the landlord, and for the peace of the neighbourhood, if he is a man of bad character, or anything of that sort, he is never admitted.

920. And the out-going tenant generally submits to the decision of the landlord upon that?
Invariably.

921. Without difficulty?
Without difficulty, and looks for another purchaser.

922. Lord *Meredyth.*] You said just now, and very truly, that, all things considered, land was dearer in Donegal than it is in Meath?
It is decidedly, for the same class of land.

923. Can you give any reason for that?
I do not know; it is so. I do not see any reason why there should be any difference of that kind. The land in Meath is some of the finest land in Ireland, and is let cheap, compared to other countries that I know.

924. *Chairman.*] Is the population of Donegal greater, in comparison to the productive powers of the soil, than it is in Meath?
Decidedly; very much greater.

925. That, probably, is one reason?
I suppose it is.

926. Earl of *Lucan.*] Do you reckon feeding land, pasture land, higher in Donegal than it is in the county of Meath?
Yes, in comparison.

927. In comparison to its value?
According to the quality of the land.

928. *Chairman.*] Is the ownership of land in either of these counties much divided; are there many small properties in either?
Yes, there are a number of small properties in both counties, of course.

929. Do the tenants show any difference in their disposition, as regards living under large owners or small?
They all prefer living under large proprietors; they consider their tenure very much more certain.

930. Has the fee of much land been bought in either of these counties by men who have made their money from farming?
I think not; very little.

931. Earl of *Clarendon.*] Have you much knowledge of the estates purchased under the Encumbered Estates Court?
No, I have not.

932. Lord *Meredyth.*] It is generally said that the existence of tenant-right prevents agrarian disturbance; is that so in Donegal, do you think?
I think so.

933. I ask the question, because I have here a few words which struck me so much at the time when I saw them that I took them down. This occurred in the year 1864. The judge of assize said this: "He read from a report of one of the inspectors of prisons the state of crime in Donegal last year, from which it appeared that 200 persons were concerned in assaults, threatening letters, and incendiary fires; and the county too was represented as the head quarters of agrarianism, against which he earnestly warned the peasantry." Was your attention at all in any way called to that state of things?
No, there was nothing of the kind in the part of the county I have anything to do with.

934. Had anything particular occurred, as far as you know, in any other part of the county, to account for this observation?
Not unless it was on Lord L.'s estate.

935. What is the system of letting the mountains in Donegal?
The mountain land is generally let by what they call a cow's grass; the amount of cattle it will graze.

936. A large number of sheep are upon the mountains, are they not?
Yes.

937. Are the mountains of Donegal well calculated for sheep feeding?
Not in general.

938. Are they as well calculated for that purpose, do you think, as the Scotch mountains?
Not at all.

939. *Chairman.*] With reference to an important subject, in this tenant-right county are there many agreements made between landlord and tenant for compensation for improvements, or for aid in improvements?
None whatever, I think.

940. There are improvements, I presume, made occasionally, such as buildings, and drains, and fences made by some of the best tenants?
For substantial buildings the landlords give the slates and timber.

941. And the tenant finds the labour and stones?
Yes.

942. I believe large sums have been laid out in draining in the county of Donegal of late years; in arterial drainage, for instance, and other draining.
Yes.

943. Has that been done by the landlords exclusively?
The money has generally been borrowed, and a per centage put upon the tenant.

944. Earl of *Clarendon.*] The money has been borrowed from the Government?
It has been borrowed from the Government.

945. *Chairman.*] The tenant pays a per centage?
Yes.

946. The tenant, I presume, has some cognizance of what is to take place before the money is borrowed; he has some voice in the matter, at least, in the way of giving advice, has he not?
An arrangement has been made with the tenant when it has taken place, before the money was borrowed.

947. Lord *Meredyth.*] Do the small proprietors equally assist the tenant?
I think not.

948. Has there been much emigration from Donegal?
Considerable.

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949. What class of persons generally?
The sons and daughters of the tenants.

950. Do you know many instances where the actual occupiers have given up their land and gone to America?
None whatever.

951. What is the condition of the labouring classes in Donegal?
The labouring classes are not very numerous; the people, for the most part, all hold land; the small farmers go out as labourers sometimes.

952. Generally the farmer labours his own land, so to say, does he not?
Yes.

953. Do you think the habitations of the small farmers in Donegal have improved of late years at all?
I think they are in better circumstances than they were some years ago.

954. Has the dress generally of the peasantry improved?
It has very much improved, indeed.

955. *Chairman.*] Have their habits improved, do you think?
Yes; I think they have got a taste for better living and wearing better clothes, and that makes them more industrious in order to acquire those things.

956. Have the rents improved?
Very little.

957. I gather from you, that one may say, as a general rule, that there are no compensation agreements entered into for improvements?
I think there are not; I think Baron Deasy's Act has not been carried out.

958. That Act never was acted upon?
No, it has not been acted upon.

959. Lord *Meredyth.*] You would say generally, that the farming class in Donegal are a struggling class?
No doubt of it.

960. Would you attribute that very much to the tenant-right?
No, I think not; perhaps it is due more to the smallness of their holdings than anything else.

961. Their means must be greatly crippled, of course, if they have paid large sums for tenant-right?
No doubt of it, unless a man has money in his pocket.

962. *Chairman.*] In those cases of tenant-right what generally happens with regard to the succession to the property, as far as your experience enables you to say, when this occurs: that a man in the full vigour of life, say about 40 years old, dies, and leaves four or five children and a widow, none of the children being older than 15, and some very young; does the landlord interfere about the succession?
No; very often in such cases they find that they are not in a position to occupy the farm with advantage to themselves, and to pay the rents, and, therefore, they ask permission to dispose of their interest; and in those cases they emigrate with the proceeds of the sale of their interest in the farm to America or Australia, or to some other place.

963. Even when they are not of an age to do hard work; does the goodwill of the farm bring money enough to support a woman and enable her to emigrate with young children?
Yes.

964. In cases where the children are adults and are able to work the farm, how do they regulate the possession of the farm and the title?
The eldest son generally is recognised as the tenant.

965. Taking upon himself the family charge?
Yes; he pays to his brothers and sisters a sum which may be considered reasonable

reasonable for the size of the farm he gets possession of, and allows them to emigrate or go somewhere else.

966. Earl of *Clarendon.*] That would be according to the will of the father, would it not?

Even if there is no will they generally do that, leaving the amount to arbitration.

967. The eldest son does that of his own accord, without being compelled?

Yes, they leave it to arbitration.

968. *Chairman.*] I suppose disputes occasionally, and even frequently, occur upon that matter?

Of course they do.

969. Do they come much before the law tribunals?

No, they are all settled locally.

970. Lord *Meredyth.*] Do they come to the agent; do they come to you sometimes for settlement?

Yes.

971. *Chairman.*] Did you ever hear in the north of Ireland of a tribunal or a *quasi* tribunal of the people by which there was issued a Glen-swilley decree; have you heard of such a thing?

Yes, it is in some parts of the country, I believe, still acted upon. If a man considers that another owes him money for which he can have no legal claim, he goes with some of his friends and takes away his cattle or sheep, and drives them into the fastnesses of the mountains in some of the mountain districts, and conceals them there until he can get them made away with, or until a settlement is made.

972. I suppose the people who assist him in this outrage really inquire little into the validity of the claim?

I think not. I think the party goes to them, and asks them as friends to come and assist him in carrying away these cattle.

973. Without inquiring into the merits?

Without inquiring anything about it.

974. Earl of *Clarendon.*] This is generally done for a debt which they could not recover legally?

Yes.

975. *Chairman.*] Does not that lead to faction fights or disturbances of that kind?

No, I think not; we have had no faction fights in Donegal for a great number of years?

976. Does the supposed debtor acquiesce in this decree?

Very often; if he suspects the parties, which he does in most cases, he sends some friends to see if he can settle it, and the cattle are returned when it is settled.

977. It is only by suspicion that he can do that; the creditor does not give him notice?

Not at all; he does not give him notice of his intention.

978. Earl of *Clarendon.*] Does not the debtor retaliate, and drive off the creditor's cattle?

I think not.

979. Lord *Meredyth.*] Do you think it would be advisable to abolish the law of distress in Ireland?

It is very seldon acted upon; but there may be peculiar cases for which it would be desirable to retain it.

980. *Chairman.*] Do you think it would injure the tenants in any way, if it was taken away, where there are small holdings and sublettings?

So far as the north of Ireland is concerned, it is quite immaterial for the interest of the landlord, because the tenant-right is a protection to the landlord.

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981. Lord *Dunsany.*] With regard to the tenant-right, would it not be a correct description of it to say that it represents a sum which was originally paid by some in-coming tenant or other for the good-will of the farm, which has been passed on as a charge upon the estate from one tenant to another?

Of course it would, to some extent, but it might not be so as to the value; that is to say, as to the sum paid; that varies almost every year.

982. When you say it varies, it does not vary in reference to improvements made; the tenant-right does not represent improvements made by a tenant, does it?

No, it does not represent improvements made by the tenant.

983. It is wholly irrespective of that?

Yes.

984. One tenant improves, and another does not; but the sum received for tenant-right in the two cases might be the same?

Yes, it might be the same, or it might not.

985. Tenant-right does not exist in Meath, does it?

No.

986. Would it be beneficial to introduce it there, do you think?

I do not think it would.

The Witness is directed to withdraw.

MR. JOSEPH KINCAID is called in; and Examined, as follows:

Mr. *J. Kincaid.*

987. *Chairman.*] I BELIEVE you are a Land Agent over very extensive properties in Ireland?

Yes.

988. You are familiar with the customs as well as the law which generally prevail in that country respecting landlord and tenant?

I am pretty well acquainted with them.

989. Do you consider the law at present to be in a satisfactory state?

I think it requires revision very much. There has been too much legislation of late, and some of the Acts of Parliament are contradictory to, and inconsistent with each other.

990. Too much incomplete legislation?

Yes, too much incomplete legislation, and the several provisions of the statutes are not consistent with each other.

991. Have you read the Bill which is before the Committee?

I have.

992. Are there any points to which you would wish to direct attention which you think would be injudicious to adopt in the Bill?

There are a good many points, some of them matters of detail, and some of them matters of principle, which I have noted in the Bill, to enable me to answer any questions your Lordships might put.

993. We should be glad to know your opinion whether, in point of principle, you would or would not approve of enforcing written contracts as far as possible between landlord and tenant?

Certainly, but I wish to say that I answer that question with the qualification your Lordship attached to it, "as far as possible," for there are some exceptions which I will mention by-and-bye.

994. When you make that reservation, do you allude to towns and houses, or do you allude to the extent of holding, either measured by the rent paid, or any other criterion?

I allude chiefly to tenants in towns; to such cases as those of weekly tenants, room keepers, lodging-house keepers. Generally speaking, houses in towns, I think, are not capable of the same regulations under statute that farms are, but I do not by any means say that written contracts are not in all cases, and in all respects, applicable to the letting of farms.

995. Then

995. Then if I gather rightly your opinion, it is that houses and town lettings should be eliminated from the Bill?

That is my opinion. I object to the first interpretation clause on the second page, which says, "land shall include buildings, but not incorporeal property." It may include buildings, but I think it should not include town houses, or town and villa tenements at all.

996. Earl of *Clarendon.*] What would be the objection to including them?

I think in the first place it would be almost impossible to require the owners of lodging houses in Dublin, where I believe there are a very large number of weekly tenements, to make written agreements with their tenants. A very large number of these houses are in the hands of women, widows and others, and uneducated men, who take houses in Dublin for the purpose of letting them out in tenements. It is well known that it is the ordinary practice in these cases that the landlord keeps the premises in repair himself, that is to say, at all events the tenant is not expected to keep them in repair; the tenant is not expected to pay taxes, the tenant is not expected to do anything that might be the subject of a written agreement. The only question between them is whether it is a weekly, a monthly, or a yearly tenancy, and what the amount of the weekly, monthly, or yearly rent is. These are the only questions, and those things are generally noted only in the pass-book which is kept between the parties.

997. The pass-book is the only written contract between them?

Yes.

998. *Chairman.*] Then the tenant has no record of the agreement?

Generally speaking, the tenant keeps the pass-book; he brings his money, 2 *s.* or 3 *s.*, or whatever it is, once a week, it is entered in the pass-book, and, generally speaking, there is the name of the tenant at the head of the book, and then there is written down 5 *s.* a week, or 10 *s.* a month, or whatever the rent may be. I do not think it would be possible to enforce written contracts under a penalty of forfeiture of rent, under circumstances of that kind.

999. Pass-books are sometimes kept for agricultural rent, are they not?—

No, they used to be when people paid on account; it was the case formerly, but it is not so now at all; it has not been done for 30 years. I have seen them formerly.

1000. Earl of *Clarendon.*] Do you think that if this Bill was made applicable, and particularly if it was made compulsory with respect to houses, there would be confusion and discontent?

I do, and litigation.

1001. I do not see why there should be litigation?

On this principle, that the agreements could not by any possibility, from the ignorance of the class of persons with whom the dealings are, embrace everything which ought to be put into an agreement.

1002. *Chairman.*] Is there not at this moment a great deal of litigation going on between that class of persons and the landlords?

I think not; I do not know it. If there be, it arises from the fact that the landlord does not keep the house in proper repair, or does not provide the necessary accommodations.

1003. The landlords cannot eject summarily without a written agreement, can they?

I think they can. A summary process with weekly tenants is entirely left out of this Bill; that is one of my objections which I meant to urge. It is the simplest process possible; you bring the tenant before a magistrate by a summons (this is the present law), he hears the case, and decides that the tenant should pay the rent or be turned out, as the case may be; he gives him a fortnight or a month to turn out of the place, and then the magistrate's decree is executed enforcing the decision, whether it be a payment in money or leaving the place. It is most desirable that that provision which has existed for many years as regards town tenements only, should be made applicable to agricultural tenements; unless it is a market town or a city, it does not apply.

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1004. Do not cases of very great hardship occur very often in the present state of the law as regards lodgers?

I am not able to say; I do not think so; of course there may be individual cases, but they have not come under my notice particularly. A magistrate would be more likely to know that than I would.

1005. Your objection, so far, has been more confined to lodgings; would you extend it to houses of all sizes, or would you limit your objection by any value.

There are some provisions in the Bill not particularly applicable to villa residences, such, for instance, as those round Dublin, Cork, or Belfast, which are let by the month, furnished, but that is not a general principle. As far as I am capable of judging, the written agreements might be enforced in all cases where the parties perfectly understand what they are signing, and where the tenement is not a lodging-house or in a town. But I should like to state that I think a very serious difficulty will arise (I am speaking now of the provision being compulsory) in those districts where the poor people speak Irish, and nothing but Irish. It would be very difficult for me to swear that a tenant who understood me only through an interpreter, perfectly understood what he was signing when I drew up an agreement for his signature, and one of the defences no doubt he would make would be that he signed whatever I asked him to sign and did not understand a word of it.

1006. Earl of *Clarendon.*] Have you a large number of such tenants as these?

A very considerable number.

1007. *Chairman.*] Who really, *bonâ fide,* cannot speak English?

They cannot speak a single word of English; they pretend not to understand English at all; it is a difficult thing to say whether they understand it or not, of course.

1008. Earl *Stradbroke.*] What county are you speaking of?

It would apply to Cork, Galway, Sligo, and Mayo.

1009. *Chairman.*] Surely that is not the case in Galway?

Yes; on one estate near Moycullen, there are a large number of tenants who do not speak a word of English; and in Barna a very large number of the tenants do not speak or understand a word of English. I never was more surprised than when I found that out, but it is the fact.

1010. Earl of *Stradbroke.*] Is it not notorious that many pretend that they do not understand English, although they do understand English?

I am sure that they generally understand what you say, but they are not capable of expressing themselves in English; they have a general idea of what you say; if you used the words 10*l.* or 20*l.* they might understand it, but they would not follow a conversation throughout; you can never be sure that they understand you. I am not certain whether I mentioned the county of Cork; I ought to have done so; I have several large agencies in the county of Cork, and a very large number of Cork tenants speak nothing but Irish.

1011. Earl of *Clarendon.*] And you have interpreters as at the assizes or sessions?

Generally the bailiffs interpret for the agents, or the tenants interpret for each other.

1012. *Chairman.*] Do you not think that the maxim, *de minimis non curat lex,* is applicable to this question; do you really think that it is an objection to making a law of written contracts, that a certain amount of the population cannot speak English?

No, I do not; because if I thought so, it would apply to leases also, and I should recommend leases; but I stated it as a difficulty in the carrying out of a system of written contracts.

1013. Earl of *Clarendon.*] Could not the written contract be reduced into the native tongue?

Not by me. The rising generation all speak English; the national schools have done that for us.

1014. *Chairman.*]

1014. *Chairman.*] You do think it desirable that there should be in rural districts, with respect to lettings generally, a written agreement?

I do.

1015. Do you think that the best way of getting improvements made by tenants?

I do not.

1016. Which do you find the best way of making tenants improve, with or without the aid of their landlords?

I have had 50 years' experience, and I can positively state that the best way to get tenants to make improvements is that the landlord should co-operate with and assist them.

1017. Would you not reduce that co-operation to writing beforehand?

I would either do that, or have a general understanding upon the estate. There may be an understanding that you allow so much a perch for drains, so much a foot for roofing houses, and other allowances; so much a perch for making roads. I have adopted that system, and we find no practical difficulty about it. If once the allowances are regulated on the estate, the only question is, did this particular tenant make the drains, and were the drains properly made; and when that is ascertained, the allowance is made as a matter of course.

1018. Does not the fact of the understanding not being reduced to writing give rise to dispute and litigation?

Never with me.

1019. Has no tenant ever resisted a claim of that kind; or have you never had a tenant put forward a claim which you did not think right, and resisted it?

Certainly I have; but I resisted it because the work was not properly done, or because the drains were not properly laid out, or it may be in consequence of his not having applied in the first instance for the landlord's approval. The work must be done to our satisfaction.

1020. Lord *Meredyth.*] It must be done with the consent of the landlord?

When I say it must be approved of by the landlord in the first instance, that, of course, implies the consent of the landlord.

1021. *Chairman.*] I understand you to go so far as to allude to cases where the landlord does not lay out anything, but makes allowance for improvements, some of which you specified?

Yes.

1022. In that case, when you have had a dispute about a fact, who adjudicates upon the fact?

I think I adjudicate myself, in most cases. I consider that if an agent has to do justice between his employer and a tenant, he would be just as much interested for the tenant, and for the improvement of the estate, as for the pocket of the landlord; as far as moderation goes, he would do full, fair, and ample justice to the tenant, upon any application he made for allowances.

1023. I am aware of that; but an unruly tenant would not always be satisfied with his full, fair, and ample justice?

No doubt there are such cases. Your Lordship asked as to the best way of making improvements upon estates. I do not think written contracts are the best way. I do not think it is essential that there should be written contracts for improvements: I think that those improvements may be made upon estates to a much larger extent without written contracts than with written contracts, and are so made.

1024. How so?

I do not think written contracts for improvements prevail generally on large estates; on your Lordship's, for instance, and on those of other noble lords whom I see round me who have property in Ireland; and yet improvements are going on, notwithstanding, to a large extent.

1025. Lord *Meredyth.*] Do you allow the lease to regulate those improvements?

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Very seldom, I have very seldom seen clauses in a lease regulating improvements.

1026. You say that if a tenant makes a certain number of perches of drains, you allow him so much for it, provided the drains are made to your satisfaction, and with your assent. If there is a long lease, do you allow him for the drainage?

No, I think an allowance in such case would be an exception.

1027. *Chairman.*] Then your allowance to that tenant is so much clear loss to the landlord?

I consider it clear gain to the landlord, by improving the property.

1028. If the rent is not to change, the man is to go on?

For how long; that is the whole question.

1029. Lord *Meredyth.*] I meant, if there was a lease of a certain length, you would not be inclined to allow a claim for drainage?

I have refused it in those cases.

1030. Other claims are also regulated by the circumstances of the tenure, whether there is a lease or not?

Yes.

1031. *Chairman.*] Then, if I understand you rightly, you would, as a rule, refuse leases?

I did not say so, nor did I intend to convey that impression.

1032. I thought I gathered from you that it was your opinion that larger improvements went on without leases than with leases?

I said without written agreements; and your Lordship will observe that I allude now to written agreements respecting improvements, not to leases of land.

1033. Earl of *Stradbroke.*] Did you not mean to state that improvements upon a farm are generally the result of an agreement between the landlord and his tenant, or the agent and the tenant, but are not necessarily the result of being put into a lease?

I did.

1034. *Chairman.*] Or reduced to writing in any shape?

I went further than that; because, if there were a lease, the lease would not necessarily refer to an allowance for improvements.

1035. Marquis of *Bath.*] And you think upon a large and well-managed estate the tenant is quite as well off without a lease as he would be with a lease?

Not always. If the estate be a well-regulated estate, like the estates of some of the noble Lords round me, who pay every attention to their estates, and look into them themselves, I think a tenant would be as well off without a lease as with a lease; generally speaking, the tenant's objection to a lease is that it has a fixed period of termination, whereas a tenancy from year to year has no fixed period of termination.

1036. Lord *Meredyth.*] What length of lease would you consider would bar all claims for buildings?

I think it should be 30 or 40 years, not less than 30; I should say about 40 years.

1037. *Chairman.*] You mean, I presume, for building houses?

I mean for agricultural buildings.

1038. You would include what are called steadings as well as a house?

Yes; I do not mean property chiefly laid out for building, such as you have in a town; I speak of agricultural land.

1039. Lord *Meredyth.*] You say that a lease of 40 years would bar all claims for buildings on agricultural land?

Yes, I should think so.

1040. What

1040. What length of lease do you think would bar all claims for drainage?
Twenty-one years.

1041. *Chairman.*] You would give as much as 21 years for drainage?
No, I do not say so.

1042. Earl of *Stradbroke.*] How many years do you conceive that it would take before a tenant would be remunerated for the expense of draining, as a general rule.
There are a great variety of such cases.

1043. Will you state the time, from so many years to so many years, which he would be before he could recover himself?
I should say that the draining would pay him in five to ten years.

1044. Earl of *Lucan.*] How long do you consider pipe draining to be effective?
I have not had so much experience of pipe draining as of stone draining; I prefer stone draining in every case to pipe draining.

1045. How long do you consider stone draining to be effective?
For not less than 50 or 60 years.

1046. Marquis of *Bath.*] Do you know any case of ordinary drainage that has lasted good for a longer period than 21 years?
Yes, I have known such cases; good up to 40 years. The chief thing is to keep the outlet of the drainage clear.

1047. Lord *Meredyth.*] If the remuneration from drainage is so quick as you say, why would you fix a lease of 21 years, in order to bar all claims?
There are a great many cases of drainage which I think are so expensive that they would scarcely pay in five or ten years, and for them you might take a longer period; but our custom prevails so generally, of giving 21 years' leases for agricultural purposes, that perhaps my mind is more fixed upon the custom than upon the principle; but as between landlord and tenant, for ordinary agricultural improvements a 21 years' lease would be fair, in my judgment.

1048. Earl of *Stradbroke.*] Supposing the tenant drained his land after he had been in possession 10 years, with an original lease of 21 years, would you consider at the termination of that lease of 21 years, that he would be entitled to any remuneration for the drainage?
I think not, except from the liberality of the landlord, and also in the matter of rent on the re-setting of the farm. I should take into consideration any great improvement of the land which he had effected at his own cost, because no doubt that improvement would last more than ten years.

1049. Is not it a question whether a tenant has or has not had a sufficient time to remunerate himself, and to gain something by his improvements; supposing that to be the case, is there any reason why he should have a longer period?
The only reason why he should have a longer period is, that it is very important to induce tenants to make those improvements, and you would scarcely induce them to do so under 21 years.

1050. Do you not think that it would be better that the landlord should make the improvements for them?
No; my opinion is that it should be done between them. I have managed estates for many years now, and I have always found mutual co-operation to be the most effective and the most agreeable mode to both parties.

1051. *Chairman.*] I apprehend that you find that the tenants do not attach so much value to improvements in which they have not taken some share, as to improvements, part at least, of which they have done?
They do not take sufficient care of them when they have not had a share in them. I always find, that in order to induce the tenants to take proper care of fences, or drainage, or farm buildings, or anything else, it is essential that they should have a personal interest in them themselves.

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1052. Earl of *Clarendon.*] Do you think it also essential that there should be co-operation with the landlord, in order to secure supervision and to see that the work is well done?

Yes, and in order to induce the work to be done. There is no doubt that the landlord will get more work done for the improvement of the estate, for his own benefit and the benefit of his successors, by assisting the tenants, and inducing them to make improvements which they would not make if they were not so induced.

1053. Marquis of *Bath.*] Does that apply to large tenants as well as to ordinary small holders?

Certainly. The large tenants are generally more difficult to induce to co-operate with the landlord to any large extent than the small tenants. Of course the expenditure in that case would be larger, and they might feel the drain upon their pockets larger.

1054. Duke of *Devonshire.*] Do you think that the principle of promoting improvements by co-operation between the landlord and the tenant has been very extensively applied in Ireland?

I think it has.

1055. Besides the large estates with which you are acquainted, and which you have alluded to, does the same principle apply largely on the small estates?

Generally speaking, I think it would apply to the estates of noblemen and gentlemen possessing large property, although it might refer particularly to only a small portion of a man's estate. I could not predicate that it has been generally done on estates of smaller men, of men under 1,000*l.* a year, although it has been done to some extent.

1056. Are there any very large number of tenant farmers in Ireland who have not been assisted by their landlords?

I should say a great many.

1057. Would you say, roughly speaking, half?

More have been unassisted than have been assisted. There are more who have not done anything for the improvement of their land than of those who have?

1058. *Chairman.*] Either landlords or tenants?

It is certainly the case with tenants.

1059. Earl of *Stradbroke.*] Does that apply to large estates or to small ones?

I think it applies to small estates chiefly; I think since 1846 there have been very few large estates in which there have not been very extensive improvements carried on under the supervision and direction, and, perhaps, with the assistance of the landlord.

1060. Earl of *Clarendon.*] When the landlord goes to half the expense in improvements for a tenancy-at-will, would you or would you not recommend him to charge some interest to the tenant?

I have done that in some instances, where I considered that the tenant had a cheap bargain in his farm; but if the tenant paid the full outside value for his farm I would not recommend it. I do not say that in every case I recommend a landlord to go so far as half the expense, because a very large portion of the expenditure of the tenant is his own labour, and the labour of the women and others of his family. I do not by any means regulate the allowance by what I consider would be the cost to the landlord to do it, or even by half of what would be the cost to the landlord; but I regulate it by what I consider to be the fair allowance to induce the tenant to undertake the work, and to do it properly.

1061. Then you never have charged interest?

Yes, I have. I say there are cases where I have charged interest. Those are cases in which I think the interest might fairly be charged where the tenant has a good farm at a moderate rent, and where the landlord assists him to a larger extent in the improvement of the farm; but I have not done it very often.

1062. In

1062. In those cases it comes, in fact, in the shape of an increase of rent?
Yes.

1063. *Chairman.*] In cases where money has been borrowed under the Lands Improvement Act in your own practice and in your experience, are the tenants charged generally with the interest of that money, when it is laid out in improvements?
They are generally charged interest for the money so laid out; but I do not venture to say that they are charged 6½ per cent., which is the rate the landlord pays to the Government, because in those cases the landlord does all the work himself. My practice has been to charge the tenants five per cent., and let the landlord pay 1½ per cent. for his reversionary interest. That is not the case always; I speak generally.

1064. Do you think that that practice has been adopted on estates with which you have not been connected, but of which you have knowledge?
I think it has.

1065. Earl of *Lucan.*] Have rents risen in Ireland much?
Yes, I think so.

1066. Are they tolerably much in excess of Sir Richard Griffiths' valuation?
They are very different in different counties.

1067. Will you state in what counties they differ, and in what degree?
I have not been able to get more than the tenement valuation for lands let in the county of Roscommon. In the county of Dublin I have got double the tenement valuation; I have got 50 per cent. above the tenement valuation in other counties. But I should say, as a general rule, that 20 to 30 per cent. above it, is a fair average throughout Ireland.

1068. Do you think that the rents in Ireland have risen in consequence of the value of produce having risen, or from competition for the land?
I think the rents have fairly risen in Ireland, in consequence of the rise in the price of agricultural produce, and by the general improvement of the land.

1069. Then it would be untrue to say that excessive rents are paid in Ireland in consequence of competition for land?
Quite untrue.

1070. Marquis of *Bath.*] You mean by "the tenement valuation" what is called Sir Richard Griffiths' valuation, I suppose?
Yes.

1071. Is not it the case that that valuation is very different in different parts of Ireland?
Yes. Perhaps it would be right for me to state to the Committee that it is based entirely upon one scale of prices; that the Act of Parliament under which the tenement valuation is made is based upon a scale of prices for all kinds of agricultural produce, which scale of prices is mentioned in the Act; and that the present prices are from 30 to 50 per cent., and in some cases 80 per cent., above the scale of prices in that statute.

1072. Earl of *Clarendon.*] What was the year in which the Act was passed?
1850, or 1851.

1073. And there is a difference of 80 per cent., you say?
In some cases; in butter, for instance.

1074. In some cases there has been a rise of 80 per cent. in the value of produce (you mentioned butter, for instance) in the 16 years?
The rise was in half that time. Butter has been at the price it is now for 10 or 12 years out of the 16.

1075. Earl of *Stradbroke.*] You may remember that the year 1851 was a year of low prices for agricultural produce?
Yes, I think so.

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1076. The years 1849, 1850, and 1851, were three low years for the prices of agricultural produce?
Yes.

1077. And the years 1866 and 1867 have been years of extraordinarily high prices for agricultural produce, have they not?
We had high prices before that.

1078. You mean in the case of butter?
Yes.

1079. How was it in the case of corn?
Corn went up after the Crimean war.

1080. But this must be considered an exceptional year for corn?
I do not take one year merely.

1081. Marquis of *Bath.*] You were telling the Committee what Sir Richard Griffith's valuation was when you were interrupted; have you anything further to say?
I think I had finished what I was saying, as far as I recollect.

1082. I asked you whether Sir Richard Griffith's valuation was the same in all parts of Ireland, and you said that there had been a considerable increase of prices for different sorts of produce, varying from 20 and 30 up to 80 per cent.; were you going to state anything as to whether the valuation in different parts of Ireland is different in one part from what it is in another?
I should have added that, notwithstanding the valuation was made under the statute which fixes the uniform scale of prices on which the valuation is based, owing to the fact that there have been different men employed in making the valuations, the result differs very much in different parts of Ireland.

1083. Earl of *Stradbroke.*] You stated just now that when the landlords borrowed their money for 22½ years at 6½ per cent., your practice was to charge the tenant 5 per cent., and the landlord paid 1½ per cent.?
I do not think I stated that as the practice. I stated that I had done that, and others have done it also.

1084. Supposing that to be the case, does not the tenant gain very much more advantage than the five per cent. by those improvements?
I think the landlord gains too.

1085. Does not the tenant gain?
I think he does. If the drainage is well done, and if it is in a district where drainage is of great importance, I should say that he would gain very considerably more than five per cent. At the same time it is only fair to add that drainage is sometimes undertaken in districts where it is not the most important point for the improvement of the land, and where other things should follow, such as subsoiling and other works. Then, if the tenant is unable to carry on those works, he does not derive the advantage (in deep clay soils, for instance) from the drainage which others would derive in other districts.

1086. *Chairman.*] I apprehend that you seldom recommend a landlord to borrow money for the improvement of land, where you do not contemplate that the actual improvement of the land itself would be fully, if not exceeding, five per cent.?
That is so.

1087. Marquis of *Bath.*] You have given a very satisfactory explanation of the way in which Sir Richard Griffith's valuation has been made in Ireland; but I have heard, and I want your better knowledge upon the subject, that the valuation has been taken at different times in different parts of Ireland (of course they could not take it all at the same period), and that some parts of it were taken a considerable number of years later than others; do you think that there is any considerable difference with regard to the valuation in those different parts, caused by the land in one county having been valued at an earlier period than the land in another?
There ought not to be any difference, inasmuch as the valuation all over Ireland is made upon the same scale of prices; and whether it is made this year or 20 years ago, it should be the same.

1088. From your practical knowledge, do you consider that there is a difference?

I do not think there is a difference arising from the years in which it was taken, but there is from the fact of different valuators being employed.

1089. *Chairman.*] With reference to the question of rent: you have some knowledge, I think, of rents in Ireland; do you consider land generally in Ireland to be let higher or lower than land of the same quality in England?

I think it is let much higher in England, and much lower in Ireland comparatively; that is what I should say from what I have seen of rents in different parts of England.

1090. You entertain that opinion, taking into account the different characteristics of the letting; we are told that the landlord does improvements in England which he does not in Ireland?

There is no doubt that there is a very large deduction from rentals in England for expenditure on repairs and improvements, which the landlord does; but even taking that into account, the same agricultural land (I speak particularly of agricultural land without any buildings upon it at all) which would, in my opinion, let in Ireland for 2 *l.* an English acre, would let in England at from 2 *l.* 10 *s.* up to 2 *l.* 15 *s.* an acre.

1091. Earl of *Clarendon.*] It seems that the great competition for land in Ireland, has led to its being let at far more than it would have fetched in England, or than it was worth in Ireland?

Not generally; I do not think competition affects the letting of land generally in Ireland; it may affect the letting of a farm or a holding, but not the letting of land generally. The letting of land generally is not managed by public competition; there is not that system of the change of tenants in Ireland on agricultural farms, which there is, in Scotland for instance, it is not so much the custom to change in Ireland; you find a tenant on a farm, his lease has expired, or he is the under-tenant of a middleman whose lease has expired; you tell him his farm is worth so much, you must get so much for it, he may go away if he does not like to give it, but generally he agrees to give it; that is not a case of competition. I do not think, as a general rule, land is let above its value in Ireland, owing to competition.

1092. Would you say that that applies generally to Ireland?

I should say so.

1093. You do not think that in consequence of competition, or the desire of possessing land, or from any other cause, the land is let above its fair value?

That is my opinion; in Ireland the competition is in the case of one tenant transferring his farm to another tenant, and getting so much into his pocket for doing so; there will be great competition in that sense. I have known 15 *l.*, 20 *l.*, and even 25 *l.* an acre given for the good-will of farms, without any reference either to the lease or to the rent.

1094. *Chairman.*] You allude to what is commonly called tenant right?

I do.

1095. Would you state to us any particular point upon which you consider the present law unsatisfactory?

I would prefer to do it in going through the Bill consecutively, if you will allow me to do so. The first observation I wish to make is upon the paragraph 1, on the first page, beginning "all Acts or parts of Acts," and ending with the words "to the extent following." I am greatly afraid that those words will lead to a great deal of litigation. Whether the parts of those Acts which relate to matters provided for by this Bill are consistent or inconsistent with its provisions is a subject which could only be decided by a competent court of law, and upon which very serious litigation would arise. I would take the liberty of suggesting some improvement upon that.

1096. What particular objection do you specify now?

I say, whether the Acts relating to matters provided for by this Act be or be not inconsistent with its provisions, and therefore, whether they are or are not repealed, are questions which may involve very serious litigation. First, with respect to "those which create or regulate the powers of any persons to

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grant leases;" that is, in fact, nothing but leasing powers. There is a very important difference between what is the general standing law of Ireland now, by the Act which is generally known as Deasy's Act, the Act of 1860, and the previous Act passed only a few years before, the 19th and 20th Victoria. There are very serious inconsistencies as to leasing powers (I speak of them only) between those two Acts, and this Act does not seem to me to correct or remedy that inconsistency.

1097. It is intended to do that; what you are saying would be rather a criticism for a lawyer?

I understood that the Committee was considering the provisions to put into the Bill. I take the liberty of suggesting an alteration in that respect.

1098. You think if those Acts were made consistent it would be a good thing to do?

Yes, certainly, with reference to that particular clause. One of the things that would be inconsistent with the provisions of this Act is the remedy provided by previous Acts for recovering rents for weekly tenements before magistrates, which I think it is undesirable to repeal. Another very important matter provided for by the existing law, a matter of recent legislation, is omitted in this Act, and I think ought not to be omitted. There has been more litigation on the subject of emblements, perhaps, than on any other question between landlord and tenant in Ireland. A provision was made by Baron Deasy's Act, that in lieu of emblements the occupying tenant should be allowed to keep his land to the end of the current year, so that he might get in the crops he had sown before the lease expired. The whole of that is omitted from this Bill, and we are to be just as we were under the old law of emblements. I think it would be desirable that there should be a provision to that effect.

1099. Earl of *Stradbroke.*] Would you recommend that it should extend to the end of the year, or to the 1st of November?

To the 1st of November.

1100. *Chairman.*] Supposing the tenancy to expire early in the spring, in January, February, or March, would you leave the tenant then to have the use of the land completely until the 1st of November, without any check upon him?

Certainly, that is the present law, it is in lieu of emblements. Of course he must have had some crop upon the ground; he must have had wheat or something upon the ground at the time.

1101. If he was a May tenant, could not you take possession of his land in May?

Not if he had a crop in the ground.

1102. But he would have no crop in the ground in the case I am alluding to; take the case of some of the good grass lands?

Then the law of emblements would not apply.

1103. If you leave him in possession until the 1st of November he probably would take a crop of grass off the whole of them, though there might have been a crop taken the year before or two years before?

This case has been decided under Baron Deasy's Act, in the case of a large grass farm belonging to a public body in Dublin. The lease expired in the month of May, but the tenant had all or some portion of his lands under tillage; there was litigation about it, and there was a difference of opinion among the lawyers; the court finally decided that he was entitled to hold under that provision of the law until the end of the current year, that was until November in that case.

1104. The death which terminated the lease occurred in May?

I think so, I am not certain.

1105. Earl of *Stradbroke.*] Why should he not equally be entitled to hold on grass land to the 1st of November?

There is no reason but that he would be holding his landlord's land (it does not apply to a middleman); he loses the benefit of the winter grass, at all events.

1106. *Chairman.*]

1106. *Chairman.*] He might mow the whole land, might he not?
I think he might be prevented; he could not till it certainly; he would not be allowed to till it.

1107. How would you prevent him?
By an injunction.

1108. Before your injunction, even with the aid of railways and telegraphs, could come down, he could plough up acres of your best grass land?
What I state is the law at present, I think; and I say it is desirable to ntroduce something of the same sort in this Bill.

1109. I understand you not to disapprove of the law as it now stands, but merely to think that this Bill does not contain a proper provision on that point?
Yes.

1110. Earl of *Clarendon.*] The object of the Bill is to give the land to the landlord, and to give the crops to the tenant?
On the principle that he who sows shall reap; but you cannot give the crop to the tenant if he does not hold the land until the crop is reaped.

1111. Earl of *Stradbroke.*] Would it be desirable that a hay crop, grown during the summer of the last year of the occupation, should be left upon the farm, and bought by the incoming tenant, to be consumed on the farm.
It would be very desirable, but I do not think it would be desirable to make a compulsory provision to that effect.

1112. Earl of *Clarendon.*] Your principle is, in our view, quite right, that he who sows should reap. Our notion was that he should do that, but that he should not still occupy the land; that the landlord should have the land, and that the tenant should have the right to come on to the land, to take his crops away?
That would be very good if the landlord occupied the land himself; but in 99 cases out of 100 the landlord would let the land to another tenant, and it would be a dispute between the two tenants as to the care taken of the crop, trespass by cattle, and other things. I do not think it would be desirable to encourage that sort of litigation. I take the liberty of suggesting, further, that the last paragraph on page 3 would, I think, inflict a hardship upon the tenant. It may be remedied: "nothing herein contained shall be deemed to give validity to any such contract against any incumbrancer upon such estate who shall not have joined in the making of the same, unless where such contract shall have been made in conformity with such restrictions, nor against any incumbrancer upon such estate who shall at the time of the making of such contract have been in lawful possession of the lands to be affected thereby, or shall have been in the receipt of the rents and profits of the same," [all that is very fair, because the tenant has notice of all that] "or who shall have, before or within six months after such time, commenced any proceedings at law." That is to say, you enable a landlord to make a contract with a tenant to make certain improvements, which he makes, and lays out a large sum of money in making them, and in the course of six months an incumbrancer comes, and takes the whole of the improvements from him. I think there should be no six months given to the incumbrancer to object to improvements which the tenant has made in such a case.

1113. *Chairman.*] Your objection would be to the words, "within six months after"?
Yes.

1114. You do not object to it in the case when he has commenced the proceedings at any time previously?
No; my objection is only to the words "within six months after."

1115. Marquis of *Bath.*] Do you think this would be a very valid objection; because, practically, the tenant would not have laid out any money within six months of making the contract, would he?
I suppose he would go to work at once; if he has not done so, it would not apply. The next point I would remark upon is this: "And in every such case of lands held for more than two years after the expiration or determination of

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the term of the tenancy, without written contract, the landlord's claim to any sum due for rent, or on any other account, in respect to the holding of such lands by the occupier, shall be deemed absolutely barred." I do not know whether your Lordships are aware that a large proportion of the lands in Ireland are held on tenancies for lives, and that many of those lives are common people, some of whom have gone out to Australia, America, England, Scotland, and other places; they are very difficult to discover; in course of time they are discovered; but it has been found that a man who was supposed to be living has been dead for two years and upwards. Under these circumstances, the landlord would by this clause be entirely barred from any remedy whatever for the recovery of his rent or his land.

1116. *Chairman.*] Not his land?

I should read those words as applying to land; if they do not apply to land, it ought to be better expressed.

1117. Earl of *Stradbroke.*] It seems to me that the landlord is not to recover, unless he has a written contract, more than two years' rent?

No, it does not confine it to rent.

1118. *Chairman.*] It is intended to force them to come under this Bill?

Yes; I do not object if you can bring home the knowledge to the landlord that the lease had expired; that is the difficulty I have found; because in many country estates (I was not agent to those estates when the lease was made, or I should not have consented to it), the custom has been, and it still prevails, to give common people's lives in the leases; you have three lives or 31 years, and those lives frequently go to America, Australia, and other places, and are not heard of for many years. I think the operation of this clause would be very hard upon the landlord.

1119. Lord *Meredyth.*] What is the present law in that respect?

The present law is, that when you discover that the last "life" is dead you bring your ejectment.

1120. With whom lies the proof?

The landlord must prove it.

1121. Earl of *Lucan.*] It is not necessary for the landlord to prove it?

No, it is not legally necessary, but it is practically necessary. What you can do is this: you can serve a notice to quit; you can eject a tenant, and you can take possession; but the tenant, if he can bring forward the life 10 years afterwards, can bring an ejectment against you and turn you out, and make you pay main rates all the time. Therefore I say it is practically necessary, though perhaps not legally necessary, that you should be able to prove the lease to have expired.

1122. *Chairman.*] Surely in that case you might as well transfer the whole property in the fee simple of the land to the tenant; because cases frequently occur of a man being drowned, and the identity not being proved even at the coroner's inquest, so as to show who the person is; and there are cases of persons leaving the country and never being afterwards heard of, persons who may or may not have been murdered; in cases of that kind you would leave the tenant in perpetual possession?

There would be no difficulty about that; you would prove that the tenant has not been heard of for seven years, and then proceed to recover upon an ejectment. Unless the tenant can prove the life is in existence he has no remedy, but if the man be not dead, and he can prove that the man is not dead he can bring an ejectment at any time within 20 years, and turn you out, and make you pay main rates all the while. I am not a legal man, but I believe that to be the process.

1123. How would you propose to remedy that; would you propose that at the end of seven years, whether the man is alive or not, he should be held to be dead?

No, you require a written contract on pain of barring the landlord from any remedy for his rent, at a time when he has no knowledge that it is in his power to make a written contract.

1124. Will

1124. Will you mention anything else that occurs to you about the Bill?
My next observation applies to section 4, on page 5, "and provided also, that each of the signatures of the several parties thereto, and the due execution thereof, shall be attested by at least one competent witness." I do not see the reason why the landlord should be obliged to prove that the tenant's part which he has not a control over, was witnessed by a competent witness. The agreement cannot be enforced, unless you can prove that there has been a duplicate signed and witnessed by a competent witness, though you make afterwards, by a subsequent provision, the registration of this agreement, in case that part of the Act passes, evidence.

1125. You might say you would have to do that upon every bond and every power of attorney?
No, because there is only one part required in those cases. The tenant has his part, and can prove his own case, and the landlord has his part, and can prove his own case; why should it be necessary for either party to prove that there has been a counterpart duly signed and attested? I think the last clause of the sentence is unnecessary; I do not like the idea of having to go before a court at all, if we can help it; I would make the Bill so clear that you shall not have to go before a court at all.

1126. *Chairman.*] What is your next point?
There are many clauses here where the expression "lands" is used, and the definition, making "lands" houses, causes a difficulty. I should be glad to have the definition altered, and then the difficulty would not arise that occurs to my mind.

1127. That would be an alteration in the interpretation clause?
Yes. Then in pages 6 and 7 you give power to landlords to make leases for the purposes of repairing or building, very properly, and you oblige them to reserve the full rent that was reserved in the previous lease. I think, practically, that there would be a difficulty about that in towns; there are many streets in Dublin, as well as in London, which have gone into decay from the lapse of time. I frequently make agreements with the tenants that they shall expend money in repairing those houses, and I make an allowance out of the rent in consideration of the sum that they may expend; I have allowed as much as three per cent. out of a rent during a lease, in consideration of the sum expended by a tenant when the house had gone into such a state from lapse of time that it required a large expenditure, say 400 *l.*, or 500 *l.*, or 600 *l.* I think there might be power given to a landlord, who was a tenant for life, of making repairing leases, even where he did not reserve the full rent that was payable under the former lease. These are the words: "Provided always, that where the estate of the landlord shall consist of or exist in any interest created by lease, then such rent shall not be less than the rent payable under such lease in respect to the lands comprised therein." I do not object to the lands, it is the houses in towns that occasion the whole difficulty.

1128. Lord *Meredyth.*] That is, with reference to restricting the power?
Yes, the objection is to limiting it to so high a rent. A landlord who gets a tenant to lay out money in repairing, ought to be allowed, if he thinks proper, to make some reduction in the rent. There are some expressions in the 10th page with respect to reservations in leases, which I think might be improved. At letter B., "all minerals, brick-earth," between the words "earth" and "stones," I would put in the words "stone quarries." Then it reads on, "stones, gravel and turf;" I would put in "turbary." Turf is a word of large meaning; it includes the sod; "which shall be upon the tenement." I would add the words "or appurtenant thereto," for this reason: you know in Ireland a tenant cuts turf that is not always on his farm; it says here that it must be upon the tenement; I would add "or appurtenant thereto," after the word "tenement."

1129. *Chairman.*] There may be a right to cut turf two or three miles off?
Yes, "subject to the tenant's right of using the said stones, gravel, sand, or turf, for his own enjoyment, upon the tenement." I would say, "and subject to such rules or regulations as may be made in relation thereto." There is nothing more important, with regard to turf bogs, than to have them properly regulated,

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lated, so as to take the water off the place where the turf is cut, so that the banks may be cut in such a manner as to admit of the drainage of the place. With respect to taxes, the tenant is to pay to the landlord the rent, "and also to pay all taxes, rates, duties, and assessments, whether local, Parliamentary, or otherwise, which shall be charged or chargeable upon the tenement, or upon the landlord in respect of the tenement, excepting such taxes, rates, duties, or assessments, or any portion of the same, from which the tenant may be exempted by any law or special agreement." Now, he is not exempted from paying income tax, and you have previously required that he should pay the tax upon the tenement, or upon the rent in respect of the tenement. Now, you exempt him from this, provided the law exempts him; the law does not exempt him, I think, and therefore although it is intended by the Bill to exempt him, those two lines are inconsistent.

1130. Lord *Churston.*] As regards the income tax, he has to pay it and to charge it to his landlord; therefore you need not alter that?

I think it is competent for you to enter into a contract with a tenant that he shall pay income tax, poor rate, and everything, and that is not unfrequently done.

1131. Earl of *Stradbroke.*] Do you mean that it is a part of the terms of the lease that the tenant shall pay the landlord's income tax without being repaid?

Yes. By the clause, as I have read it, you make the tenant pay everything; then you go on to exempt only such things as he is exempted from; he is not exempted from that by any statute; it could easily be altered by adding some such words as these, "except the landlord's proportion of the poor rate, and the landlord's proportion of the income tax," because there is the income tax under Schedule (A), and on Schedule (B), too. The next point I would call attention to is in the last paragraph of page 11: "And whenever the tenancy shall be by the year, quarter, month, or week, the lease shall not be deemed to be at an end at the expiration of each year or other period, but to continue in force and binding upon the several parties until the tenancy shall have been determined by a notice to quit (as provided by the 24th section of this Act), and until all rights thereto shall have been fully established." I cannot conceive a few words that would lead to greater litigation than those few words, "and until all rights thereunder shall have been fully established." In the first place, I do not know what they mean; and there are others who would not know what they mean either; it would lead to endless litigation, I am satisfied.

1132. *Chairman.*] If you had writing, I do not see how they could lead to any litigation?

If you have writing, I do not think there is any necessity for the words. I think the words are objectionable.

1133. You would stop at the word "Act"?

Yes.

1134. What is your next point?

On page 12, with respect to royalties, or with respect to shooting, "the tenant shall be deemed entitled to recover reasonable compensation from the landlord for any damage which shall be done to the tenement, or to the trees, crops, herbage, or soil of the same, by the said landlord, or others authorised by him in exercising any of such privileges or rights; and the landlord shall be deemed entitled to recover reasonable compensation from the tenant, or any other person by whom any of such privileges or rights shall be infringed, for any damage which he shall have thereby sustained." I think there would be a very nice action arising upon that, if the tenant shot the grouse upon the farm.

1135. So there ought?

I do not say there ought not, but I think it ought to be better defined. Then the next point is on page 13. The rent due upon each gale day shall be payable to the person who shall be the immediate landlord of such tenant, upon such gale day, and the receipt of such landlord for such rent shall be a good

good discharge to such tenant for the same as against all persons." Now there are such things as head landlords and middlemen in Ireland to a very large extent. An under-tenant pays his rent to the middleman, and the head landlord does not get it and cannot recover it from the under-tenant by these words.

1136. No, he only has his action against the middleman under those words?

There are many cases in which the middlemen are paupers. It is a new provision; it has never been the law before, and it is a very questionable one. I do not think it would be desirable to make a provision that the head landlord should be barred from any remedy whatever for the recovery of his rent, or even for the recovery of the premises. I think it might extend to that in case the under-tenant had behind his back paid the rent to the middleman.

1137. He would not be debarred from any remedy against the middleman. He has the power of eviction against the middleman?

I do not think he has, if that eviction would lead to the turning out of an under-tenant who had paid his rent, for this reason, that "the receipt of such landlord for such rent shall be a good discharge" against all persons; he produces the receipt in court when the head landlord brings an ejectment, and there not being a year's rent due, the landlord cannot recover.

1138. He cannot evict the occupying tenant, but he can bring an ejectment against the middleman?

I think that is very doubtful; he cannot recover by ejectment, unless he has a year's rent due; if this debarred him from a right to recover, under the circumstance I have supposed; it would have the effect of debarring him until a year and a half's rent was due. There is a remedy for all that in the existing law, and I think it should be embodied in this Bill to some extent. If the head landlord finds that the middle-man does not pay him his rent, he has only to serve a notice upon the under-tenants to pay him their rents. I have done that, and been in possession of the rents paid by the under-tenants in consequence of not having the head rent paid by the middleman, both in the cases of houses held by tenants at Dublin, and in the case of houses at Kingstown, and also in the case of farms; there is no practical difficulty in it. These observations will apply to several other clauses on this page. The remedy now is for the head landlord to serve a notice upon the occupying tenants, and from that moment the occupying tenants are relieved from the obligation of paying the middlemen, and must pay the head landlord. But of all the unreasonable legislation I ever read, the clauses that immediately follow are about the best example, in my humble judgment. No person whatever could recover the rent due to him, if he be a middleman, without proving that he had himself paid his rent. We have cases of men paying 10 *l.* a year on a property of 10,000 *l.* a year. I have had a case on an estate of a man paying 10 *l.* rent for a holding which embraces the whole of Dawson-street; there may be 20 or 30 tenants between us and the occupying tenants. If nobody could recover his rent until he had proved that the head rent was paid by all the middlemen to the head landlord, it would be, practically, a bar to the enforcement of any remedies at all. I do not think it would be advisable to allow any under-tenant to object to pay his rent on a ground, imagined by himself, that his landlord had not paid his rent to the head landlord. It would lead to the most dreadful differences between the under-tenants and the inferior class of middlemen.

1139. I do not see how that could be, any more than in the case of any other debt?

Because a creditor does not need to recover any other debt before he pays his landlord. In nine cases out of ten these men pay their head rent by means of the rents they receive from the under-tenants. A tenant says, "I am going to the country on such-and-such a day, to get the rents from the tenants, and I will pay you the head rent the day after." If you allow the common tenants to object to pay their rents until the person they are to pay to is in a position to prove that he has paid his head rent, you will cause interminable difficulties.

1140. The under tenant can pay his rent minus the head rent?

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No, that would not do; there are perhaps 50 tenants making up the rent paid by the one middleman; the great majority of cases are cases where the middleman has let to 10, 20, or 50 tenants.

1141. I take it that in every one of those cases it has been noticed in the title-deed?

There is no title-deed between a middleman and an occupying tenant.

1142. If you had to raise a mortgage upon it, you would have to show the title?

I am only speaking of common tenants, not of incumbrancers at all. Perhaps your Lordship and I are not speaking of the same thing: "And it shall not be lawful for such immediate landlord to take any proceedings to enforce payment of the rent so due to him by such tenant until he shall have paid the rent so due to such superior landlord, and produced to such tenant proof that such rent had been paid." That is perfectly new; there is no such law existing at present; it is not making this a code of existing laws, and I think it would be a very questionable law to introduce.

1143. Lord *Dunsany.*] Your objection applies exclusively to town holdings; what you contemplate, I suppose, could not occur in the country?

No, in this case it applies in the country particularly.

1144. With regard to your present objection, if this Bill related solely to agricultural tenures, would your objection have any force?

It would, I think, with great respect. One under tenant's rent may be only 10 *l.*, and the rent the middleman pays may be 50 *l.*; he cannot stop that rent out of his rent; he has no right to ask his landlord whether he has paid his rent or not.

1145. *Chairman.*] With respect to the registering provisions of the Bill, do you think that the registry, as provided in the Bill, is objectionable?

I think with respect to the registry of agreements it is. I consider, with respect to the registry of improvements that it is essential, but in the case of agreements, I think it is quite unnecessary; it is giving an immensity of trouble, with no object under the sun. If a man enters into an agreement for a place for a year, I do not see the object of its being registered; the tenant has his part, and the landlord his part, and there is no object in the registry. If it is a lease, there is no object for registering a lease, unless it is to protect a tenant against encumbrancers; but when he is going to claim compensation for improvements, if he is authorised by the Bill to do so, I think the improvements which are made should be registered at the time they are made, it should not be a question arising many years afterwards, whether they were made or not.

1146. I understand your opinion to be as regards agreements, that there is no occasion for their being registered, but that as regards improvements, it is most desirable?

I think it is most desirable; I said so to Lord Naas with regard to his Bill?

1147. What is your opinion upon the present power of redemption by a tenant; do you think it is too long, or that it is injurious in itself; would you wish it to be continued in its present state, or would you wish any alteration to be made in it?

I think the power which a tenant has of paying up his rent and costs, within six months after an ejectment decree has been executed, is a desirable one, and in the case of tenants from year to year, I may state that it was a substitute for the notice to quit which was previously required. Until very recently, a landlord could not eject a tenant from year to year for non-payment of rent; his only remedy was to serve a notice to quit six months previously, and then to eject him on the title; but by the Act of 1860 (I am not sure whether it was previously to that or not) the landlord is empowered to serve a tenant from year to year with an ejectment for non-payment of rent, in the same way as a tenant who has a lease; but the Legislature gave the tenant the benefit of the six months' notice which was previously required by giving him six months to redeem. I think that benefit should be continued.

1148. Do

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1148. Do you not think it injurious that the landlord should enter upon possession, and hold the land for six months, during which he cannot either let it again or properly cultivate it, with the chance of redemption hanging over him; is not that practically losing six months enjoyment of the land.

Your Lordship is quite mistaken, no such injury results from it. There is nothing to prevent the landlord letting the land, or the house or tenement, pending the redemption during the six months. It is done constantly without any injury to the landlord, and without any injury to the tenant, or indeed to anyone whatever. The landlord does not suffer any loss by it, or very small comparative loss; he cannot let it permanently up to the end of the six months, but the agent will generally know whether a tenant is in a position to redeem or not. I have constantly let a farm subject to redemption within six months. The man who is going to take it will know such and such a man (the out-going tenant) cannot redeem, and therefore he will say, "I may go on with my improvements." I have always in such a case warned the tenant not to go on with the improvements until after the expiration of the time allowed for redemption; but that does not prevent his going on with the cultivation as he would under a lease.

1149. Does not it prevent his putting in certain crops?
No, it is done every day.

1150. How would he do if the ejected tenant redeemed?
He must pay him for his crops.

1151. Lord *Dunsany.*] Supposing he had to buy live stock, would not that be a serious injury to him when the ejected tenant came back?
No.

1152. *Chairman.*] Your practical experience leads you to think that there is no injury resulting from it?
None whatever. I have had hundreds of cases of letting lands subject to six months redemption, and I have never known any practical injury result from it.

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to Friday next, One o'clock.

Die Veneris, 12° Julii, 1867.

PRESENT:

Duke of DEVONSHIRE.	Earl GREY.
Marquis of BATH.	Earl of KIMBERLEY.
Earl of DEVON.	Lord DUNSANY.
Earl of CLARENDON.	Lord SOMERHILL.
Earl of LUCAN.	Lord CHURSTON.
Earl of ROSSE.	Lord MEREDYTH.

THE RIGHT HONOURABLE THE LORD SOMERHILL, IN THE CHAIR.

MR. JOHN O'CONNOR CURTIN, is called in; and Examined as follows:

Mr. *J. O'Connor Curtin.*

12th July 1867.

1153. *Chairman.*] I BELIEVE you farm in Ireland to a considerable extent?

I farm on Lord Devon's estate, some 300 and odd Irish acres; and on Lord Kenmare's some 160 Irish acres.

1154. In which counties are these farms situated?

I have three farms; the 300 acres are situated in the county of Limerick; the 160-acre farm is in the county of Kerry.

1155. You are generally acquainted with the country, and with the condition of agriculture and farming in the counties of Limerick and Kerry?

Yes.

1156. Of what nature is your farm generally; is it grazing or tillage?

Grazing.

1157. Lord *Meredyth.*] Entirely?

Entirely grazing.

1158. *Chairman.*] Do you hold it all under lease, or by different tenures?

I hold under lease in both places.

1159. A long lease?

Thirty-one years in both places.

1160. Has much improvement been effected on your farms, and on the farms around you, of late years?

Yes.

1161. Will you state, if you please, in your own case, and in that of your neighbours, whether those improvements have been made by the tenant or by the landlord?

In my own case, in the county of Limerick, the improvements have been made by myself. In the county of Kerry, the landlord allows me for the improvements; the Earl of Kenmare allows me for them.

1162. You had a lease when you commenced those improvements?

Not in the county of Limerick.

1163 The lease was granted subsequently?

Yes.

1164. Was any alteration made in the rent in consequence of these improvements; was it raised upon you?

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The rent was raised upon me, but then I did not object to it, for I had the possession of this farm for a long time; in fact, the entire of the improvements were made before I got the lease

1165. The rise in the rent was a fair one?
Yes, I consider so; I did not object to it.

1166. And you took a lease of 31 years at that advanced rent?
Yes.

1167. Is your case a singular one, or has the same course been followed by any of your neighbours; has there been improvement?
On the Devon estate the same course has been followed by my neighbours, but in the entire of the county of Limerick I do not think it has been followed on the other properties I am acquainted with.

1168. On those other properties you are acquainted with, are leases common?
No, quite the contrary.

1169. Will you state generally the nature of the improvements which were made by yourself, and which you think are generally made or wanted in the country; are they drainage, or are they buildings?
Both.

1170. You have made some buildings, and you have drained, as I understand?
Yes.

1171. And fences?
Yes.

1172. Do you consider that a 31-years' lease is a fair compensation to a tenant for such improvements as he ought to undertake, without a special agreement beforehand?
No, I do not.

1173. You think a tenant ought to be at full liberty to make improvements of a nature that would not be fairly compensated for by a 31-years' lease?
I do.

1174. What amount of compensation would you think fair to the tenant; would you have it given in cash at the expiration of the lease, or would you give it by a longer lease?
I think the tenants would prefer extending the period of occupancy, in preference to anything else.

1175. What quality of improvement do you think a tenant might properly be trusted to make without much control?
I think in drainage there should be some control; there should be an inspector; but with respect to farm buildings I do not think there need be that control, for any man will see whether those buildings are substantially built, or otherwise; it is a different thing to drainage.

1176. There might be a difference of opinion as to whether they were sufficient or insufficient for the farm; would you give the landlord no voice in it?
No; certainly I do not think a tenant would require it; the buildings would be barely what was necessary. I look upon the houses and farm-buildings as a portion of the plant of the farm which enables me to cultivate it the same as I do my horses and plough, or anything else. A tenant cannot utilise his labour without houses and proper buildings.

1177. A tenant having means beyond the revenue of the farm on which he resides might build a description of house that would be too large for a person who had only that farm; would you consider that the landlord ought to be chargeable with any compensation for such a house as that?
Certainly not; I would not consider the landlord liable in that case.

1178. Then you would allow him some power of inspection or control?
Certainly.

1179. How

1179. How do you think that that could be done; should it be specified by a restraint in the lease, do you think, or by a specific agreement?

Where leases are granted I should think it may be as well to insert that in the lease.

1180. Will you state to the Committee what compensation you think, either by length of lease or by cash payment, a tenant ought to be entitled to generally?

There are two descriptions of land in my neighbourhood, one mountain and the other lowland. I think in the mountains he should get at least a 50 years' lease, and in the lowlands, perhaps, half that time.

1181. But the mountain land would be let probably at its present value, that is to say, extremely low?

Yes, but then the expenditure in cultivating it is so much higher; I mean in bringing it to a proper state of cultivation.

1182. Would you allow that the capabilities of the land, which capabilities would be developed by the tenant, should be anticipated in fixing the rent, or do you think he ought to have a 50 years' lease at the rent of the present actual value of the land, without any advance upon it?

I do. I think he should have an occupancy of 50 years to repay him for the expenditure in bringing the land to a proper state of cultivation.

1183. Taking the rent at the very low rate at which such land as you talk of would be fairly liable to now, I suppose that would not be more than 2 *s.* 6 *d.* an acre?

In some cases 2 *s.* 6 *d.*, in some cases 4 *s.*, and in some cases 5 *s.*; it varies.

1184. Do you think that the relations of landlord and tenant, as regulated by law and as practised at present in Ireland, are in a satisfactory state?

Quite the contrary.

1185. Have you considered that redress, if any, could be afforded by law?

I would not take upon myself to say, but I think if a tenant got a fair lease, and was allowed for the improvement of the land, as I say, that he would be perfectly content. The great evil is that after making the improvements I speak of, they are deprived of their holdings.

1186. Is that a common case; have you known many cases of it in either of the counties that you are acquainted with?

Yes, indeed, I have known such cases.

1187. Earl of *Clarendon.*] Not frequently, have you?

I take it, it is the general rule; there may be some noble exceptions, where a landlord does give a tenant the benefit of his improvements, but, on the whole, I think the contrary is the rule.

1188. *Chairman.*] Have there been many evictions of solvent tenants?

No, not of solvent tenants; but there have been evictions without allowing the tenant a sufficient period of time, or half the necessary time to reimburse himself for his outlay.

1189. Earl of *Clarendon.*] Without any compensation being made to him?

I never heard of any compensation in those cases.

1190. *Chairman.*] Is there any practice of tenant-right in those counties?

Not in such a case.

1191. Earl of *Kimberley.*] Were those tenants solvent or insolvent when they were evicted?

They could continue to pay their rent.

1192. *Chairman.*] Did they continue to pay the rent up to the period of eviction?

Yes.

1193. What was the motive of the landlord in evicting them in those cases?

I think the motive in those cases was to get an increase of rent.

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1194. Earl of *Clarendon.*] In consequence of the improvements they had made?

I cannot say what the cause was; the general opinion was that it was in consequence of that.

1195. *Chairman.*] You are aware that many other circumstances besides the tenant's improvements might add to the value of land; do you think it was to take advantage of those improvements, rather than other circumstances in the case which came under your observation?

In some cases, I think, it was to take advantage of the improvements; but there are very few cases where that has been the object of the landlord in evicting. I will give your Lordships a case that occurred in my neighbourhood. A tenant in my neighbourhood had a very bad house; he built a substantial dwelling himself, and at the time of paying the rent he said, "I think you should allow me something for this house." The landlord said, "I will give you 20 *l.*," that being not a fifth of what was expended on it. In the following year the landlord raised the rent 20 *l.*; and in the following year again, 15 *l.* more. It would have been better for the tenant to have remained in the mud tenement than to have built the house. By that the landlord saw that he had means, and raised the rent upon him accordingly.

1196. Lord *Meredyth.*] Had he a lease?

No.

1197. Do you think it was a wise or prudent thing for that man, not having a lease, to go and build a house without asking the landlord's permission, or consulting him?

We must build a certain class of house, or give up the farms; we cannot do without something.

1198. Earl of *Clarendon.*] He took the farm with a bad house upon it, I suppose?

That is generally the case; in my neighbourhood there are very bad houses.

1199. Lord *Meredyth.*] Would he not have paid more rent for the farm if there had been a good house upon it?

I do not think the houses are taken into consideration at all. The question with the tenant is how to get land, not how he will pay for it.

1200. If there were two farms near each other of the same quality of land, one of which had a good house upon it, and the other no house at all, or a very bad one, would not the landlord get a higher rent for the farm with the better house upon it?

Certainly he may, but I think in nine cases out of 10, tenants do not look at the house accommodation on taking a farm.

1201. Would you not think it very advisable to have a written contract in all cases?

Certainly.

1202. Thereby some of those misunderstandings might be avoided?

Certainly.

1203. Lord *Dunsany.*] With regard to this case you have mentioned, what was the size of the farm from which the tenant was evicted?

He was not evicted, the rent was raised; the farm was 50 acres.

1204. Do you mean 50 acres of mountain land?

No, it was good land. The original rent was 45 *l.*, and it was raised to 80 *l.*; it was never raised until the tenant built the house.

1205. Earl of *Lucan.*] How long had he held that land?

I could not say; it was in the county of Kerry, where I had only recently gone to live.

1206. You seem to know pretty well what happened on the farm?

It was the adjoining farm to mine; I cannot say how long he had been there.

1207. If he lived on the adjoining farm, you would know whether you had lived

lived there with him for your neighbour one year or 10 years, would you not?

Yes.

1208. Had he lived there 10 years?

He was living there before I went there.

1209. How long had he lived there?

I have been living in his neighbourhood 15 years, and he had been living there before me.

1210. Did you never hear how long he had lived there before you became his neighbour?

I do not think I ever heard it; I do not think I ever made inquiries upon the subject.

1211. Do you know whether he had lived there 30 years?

No, I do not think so.

1212. At all events he had lived there for 15 years to your knowledge, and he was there when you came?

No; I say I have been living in his neighbourhood for 15 years, and he had been living upon the farm before I came, but I cannot say how many years before.

1213. You have occupied your farm for 15 years, and to your knowledge he had been upon the adjoining farm some time before; so that he had lived there some time beyond 15 years?

Pardon me; I said, in answer to your Lordship's question, that I have been living on the farm for 15 years, but the occurrences of which I speak took place eight or nine years ago.

1214. *Chairman.*] When he first mentioned the subject to his landlord, did he mean that the landlord ought to lower his rent when he said, "You ought to allow me something for building the house"?

At the time of paying the rent, as I understand it, he made a claim for some compensation for building the house; the landlord gave him 20 *l.*, but then the next year he raised his rent 20 *l.*

1215. Was it a reasonable request that he should ask the landlord to give him something for the house, if the landlord was not to profit by it in any way?

The expenditure was very little; I think it was a reasonable request, taking into consideration the very bad accommodation there was on the farm before.

1216. Do you think the rent he was paying was too high for the farm, in the condition in which he took it; have you any reason to suppose that?

No, I have not.

1217. He built the house, and then asked the landlord to diminish the rent?

He did not ask him to diminish the rent, he asked for a money allowance in paying his rent for the expenditure he had incurred in building the house.

1218. Do you think it was reasonable to ask the landlord to pay money for what he was to get no value from?

I think it is a general rule that a tenant often makes an improvement without asking the landlord. I mean he makes what improvements must necessarily be made upon the farm.

1219. Lord *Meredith.*] How long had he occupied the farm before he built this house?

I cannot tell you the number of years.

1220. Earl of *Kimberley.*] If the tenant had quitted the farm instead of building the house, do you think the landlord could have got the same rent he got originally?

Yes, I am sure he could.

1221. Earl of *Clarendon.*] And more?

Very probably, for, as I say, the question is how to get land.

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1222. And not how to pay for it?
Very often that is the case. Then in two or three years they will be looking for an abatement.

1223. *Chairman.*] I apprehend the tenant farmers round there, with or without leases, have been doing well, and indeed throughout the country generally?
No, I think the tenantry are a wretched set; in some parts there are some properties where the tenants have been doing pretty well under large proprietors, but where there are small holdings, I think the tenants are in a wretched condition.

1224. Has there been a considerable amount of emigration from that part of the country of late years?
Yes.

1225. Do you know any cases personally of farmers giving up farms; I mean something above 12 Irish acres, not less than that, to emigrate?
No, I know of no such case.

1226. It is chiefly the young farmers' sons, and their families, or the labourers who have emigrated, is it not?
Precisely.

1227. Earl of *Clarendon.*] So far as you know, those who are in the occupation of land have not given it up for the purpose of emigrating?
No.

1228. *Chairman.*] Surely there have been considerable improvements effected of late years in the country, have there not, taking the agricultural districts of Limerick and Kerry generally?
On some properties there have.

1229. Do you think that has not been the case extensively throughout the country?
I do; outside certain properties I think the improvement has been very little.

1230. What improvement has been done, has been done chiefly by the tenants?
Chiefly. In Kerry I think the improvements have been made under loans from the Board of Works, and the tenants pay a per-centage for the money expended by the landlord. In the county of Limerick I am only conversant with one estate, and on that the tenants have been making the improvements, with a partial allowance from the landlord.

1231. Lord *Dunsany.*] With regard to this very bad case you mentioned, was it a middleman who raised the rent, or was it the head landlord?
It was a middleman. There are numbers of such landlords about.

1232. Had that middleman any landlord between him again and the head landlord?
No; he held immediately from the owner in fee.

1233. How much did he hold as middleman; do you know?
I think about 600*l.* a year; I have heard that he has a property of about 600*l.* a year in my neighbourhood.

1234. *Chairman.*] Are tenants generally desirous of getting leases?
Yes, they are.

1235. You have not known many cases where tenants have refused leases?
I never knew of a case in which a tenant refused a lease.

1236. Lord *Meredyth.*] Supposing a tenant to get a farm with very insufficient buildings, and which required drainage as well, what would you think a fair lease to remunerate him sufficiently for his outlay in making the buildings and draining the land?
I could not say what the lease would be that would remunerate him for the buildings. I cannot consider that the buildings are anything but his own property; I cannot look upon the buildings in any light but as the property of the tenant,

tenant, if he builds them himself. He loses the interest of his money every year, and I consider that that is sufficient rent for those houses.

1237. Then how would you remunerate him?
I know the tenants would be very glad to get an extension of lease, say from 60 to 100 years, for building houses. I think they would build willingly with that; and for reclamation of mountain land I should say 50 years, and perhaps half that number of years for what they call inland.

1238. Marquis of *Bath*.] Then you would propose giving to each tenant an extension of his lease at the present rent, for from 50 to 100 years?
Yes, for buildings.

1239. For building farms?
For building the necessary houses and buildings requisite for the farms; only for that.

1240. I suppose, to build farm buildings on a farm will increase the value of the farm?
Ultimately.

1241. It increases immediately the value of the farm, I presume?
Certainly.

1242. To what extent?
I cannot imagine how a farm can be worked without those buildings.

1243. I suppose the buildings upon a farm ought to increase the value of the farm to at least the amount of 8 or 9 per cent. upon the expenditure on the buildings?
I should think so.

1244. If the tenant enjoys that 8 or 9 per cent. for a period of 20 years, does not he fully repay himself?
He also loses the interest of his money for that time.

1245. During that time he is getting 8 per cent. for the interest of his money?
I cannot imagine how he can farm without the offices.

1246. Does not the tenant, if he gets 8 per cent. return in the increased produce from his farm, and the increased value of his farm, by that means repay himself within a certain period?
I certainly think he receives a certain per-centage in addition, but I could not confine myself to that amount; I cannot imagine how he can farm without them.

1247. Let us take this point of view: supposing a tenant applies to the Government and obtains a loan for 21 years, repaying that money at, I think, $7\frac{1}{2}$ per cent., that $7\frac{1}{2}$ per cent. he would obtain by the increased value to his farm?
I should think so; that is $7\frac{1}{2}$ per cent. upon the expenditure upon buildings.

1248. Supposing the houses cost 100*l.*, the additional value to the farm would be at least 7*l.* 10*s.* a year?
I think so; I think it would ordinarily be worth that.

1249. Then, that period of time which will enable the tenant to repay that outlay, and at the same time to receive his interest, is sufficient compensation for the outlay?
But you must deduct from that per-centage also the interest he will himself receive upon his money, that is upon the 100*l.* I consider a tenant is entitled to take 5 or 6 per cent.; you must deduct that from the actual value, the 7*l.* 10*s.*, and that gives you the real advantage the tenant has in a money point of view.

1250. In a money point of view a tenant obtains the interest for his money, and a sufficient period of years will repay the capital?
Precisely.

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1251. The Government will lend you money, I think, at $7\frac{1}{2}$ per cent., to be repaid in 25 years?

Supposing that he receives in value for those houses 7 *l.* 10 *s.* a year, deduct 5 *l.* at least from that for interest for his money, that will leave him 2 *l.* 10 *s.*, and then extend that over a sufficient period of years to repay the 100 *l.*

1252. You can borrow money from the Government for 25 years at $6\frac{1}{2}$ per cent., not $7\frac{1}{2}$ per cent., I believe?

I do not know that.

1253. *Chairman.*] Do you think it desirable that the landlords should make the improvements that appear to be required instead of the tenants?

Yes, I should think it a great improvement if the landlord himself made the improvements.

1254. Would it not be necessary for the landlord in those cases to have a contract, whereby the tenant should undertake, and undertake with some engagement that might be enforced upon him, to keep the improvements in good repair; if the drains were once made it would in most cases require care to keep those drains in proper order?

Certainly.

1255. The same would apply to buildings?

Certainly; if the landlord makes the improvements I think the tenant should be bound to keep them in repair.

1256. Do you think that the tenants, if they were consulted beforehand, would generally be willing to pay the landlords a fair rise in their rent, according to the outlay?

I think they would be very willing.

1257. Is there any point you would wish to bring under the attention of the Committee in respect to the improvement of the laws in Ireland with regard to the tenure of land?

There is one point which does not exactly relate to the tenure of land, but which bears hardly upon the tenant; that is, paying the county cess, and being the only party to pay county cess; that bears very hard upon the tenant as between himself and the landlord; it is a very heavy drain upon the tenant, for which he receives nothing in return, as far as regards any allowance from the landlord.

1258. Would you propose to give the tenant a certain voice in the imposition of that cess, which you seem to think rather excessive, or would you call upon the landlord to pay it?

I think if the landlord paid half the cess, and it were levied in the same way that the poor rate is levied, I think it would be quite sufficient without perhaps giving the tenant a voice in the assessment of it; what the tenant looks to is a money allowance.

1259. Earl of *Clarendon.*] Is not the obligation of the tenant to pay the cess considered in his rent to the landlord?

I do not think a tenant ever considers what he has to pay in the way of taxes, upon taking the land.

1260. *Chairman.*] Do you not think that the landlord would raise the rent if he were called upon to pay county cess?

I am sure he would where they are tenants at will.

1261. At the expiration of a lease, would he not do the same in calculating the fresh value of the land; that was the way in which it was generally done in respect of the rent-charge for tithes; while the rate was in existence the tenant had to pay the rent-charge, but when it lapsed, and the rent-charge fell directly upon the landlord, I apprehend in most cases the landlord put it upon the land in rent?

I believe so; I have had no experience of it: in my case there was a composition, I think, entered into before my time, with the landlord.

The Witness is directed to withdraw.

Mr. WILLIAM ROCHE is called in, and Examined as follows:

1262. *Chairman.*] I BELIEVE you hold a good deal of land in Ireland for farming?
I hold 44 Irish acres.

1263. In what county is your farm situated?
In the county of Limerick.

1264. In what part of the county, in the north or the south; what is your post town?
Abbeyfeale. I am between Abbeyfeale and Newcastle.

1265. Is yours a grazing farm principally, or do you till much?
I till a little; what I am reclaiming.

1266. Only that?
No more than that.

1267. Your profits are derived from the grazing?
Yes, from the grazing. I dairy the rest, with the exception of what I till.

1268. I suppose a good deal of it is dairy farm; do you make butter?
Yes, I do.

1269. Do you hold under a lease?
Yes, I do.

1270. Are leases common in the part of Ireland with which you are acquainted?
Yes.

1271. They are common?
They are not general.

1272. For how long is your lease?
My lease is for 31 years.

1273. Earl of *Kimberley.*] Is there any life on it?
No.

1274. *Chairman.*] But on the neighbouring estates, and about that part of the country generally, I think leases are not general?
No, they are not.

1275. From your observation amongst your neighbours, throughout the country generally, has there been much improvement of late years in that part of the country?
There is not much improvement, but where there is an encouragement of leases, there is improvement.

1276. Then the improvements are made generally by the tenants?
Yes, they are.

1277. And under leases the tenants are willing to make improvements?
They are.

1278. I presume, upon a grass farm, such as you hold, there is not so much room for improvements as upon tillage land, is there?
There is not for the grazing land generally, but it must be subsoiled and drained.

1279. Do you require for your farm much in the way of buildings?
I do; I built my farm.

1280. You required houses or farm buildings for wintering your cattle?
I built my own house; it cost me 200 *l.* for my farm.

1281. Did you build that house before you got your lease, or when you were getting the lease?
I built it before I got the lease.

1282. But under the expectation of a lease?
Yes; I would not have built it, but I had good faith in my landlord.

 1283. Was

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1283. Was your rent raised when you got the lease?
No.

1284. The lease was given you, I suppose, a good deal in consideration of your having built the house?
I believe partly; the land that we have is generally on Mr. Griffith's valuation.

1285. Then, I suppose, it is pretty good land?
It is; the part that I have is pretty fair mountain land.

1286. Is part of it mountainly land?
Part of it is mountain land, and part of it is what we call inland, that is the best description of mountainly land.

1287. Earl of *Kimberley.*] Most of that part of the country is what you call mountain land, is it not?
It is mountain land.

1288. Lord *Meredyth.*] Not what you call prime land?
No.

1289. *Chairman.*] Griffith's valuation in general is not up to the rent charged for prime land in your county, is it?
No, but Mr. Griffith's valuation was just as he found the land at the time of the valuation, that was about 20 years ago, I believe.

1290. Is it considered that Griffith's valuation was lower than the letting value of good lands, but quite up to the mark of middling and of bad lands?
Generally where we have good landlords, the rents are never advanced much over it.

1291. Not even on the good lands?
No.

1292. What is the highest value which is set anywhere in your neighbourhood upon good grazing land?
About 27 *s.*, from 27 *s.* to 30 *s.* an acre.

1293. Earl of *Clarendon.*] That is an Irish acre?
That is an Irish acre.

1294. *Chairman.*] Are the good grass lands in the county of Limerick not let higher than 27 *s.* an acre?
No, not in my locality.

1295. Lord *Meredyth.*] Are there any of the prime rich grass lands of Limerick in your locality?
No, there are not; there are some parts of the county of Limerick where I understand, from what I hear, that the rent goes to 3 *l.* an acre, but I have not seen that.

1296. *Chairman.*] Amongst your neighbours, and in the part of the country that you know, has there been of late years much improvement?
There has been a good deal of improvement of late years.

1297. And that improvement has been done by tenants?
Yes, by tenants.

1298. Have the tenants generally not profited fairly by these improvements; has the money been well laid out, and, if so, has not the profit come to the tenant?
The tenant will have profit if he has a long tenure of the land, but of course every acre of grass that he reclaims will cost him about 9 *l.*

1299. Nine pounds to drain first, and then subsoil?
Exclusive of that; it will cost him 14 *l.* for draining and subsoiling.

1300. Does the tenant lay out as much as 9 *l.* an acre to reclaim grass land?
He must lay out first and foremost 9 *l.*; he would have to lay out a good deal in lime, which would cost him 1 *s.* 3 *d.* a barrel.

1301. Lord *Meredyth.*] You built a house, I think you said, that cost you 200 *l.*?
Yes.

1302. Was

1302. Was that a dwelling-house only, or a house and offices combined?
It was a dwelling-house exclusive of out-offices that I built.

1303. Did you build also out-offices?
I did.

1304. What did they cost you?
I did not keep a note to the pound of that; I could not tell you; I think by the size now it cost me about 300 *l.*

1305. Do you think that the lease you have of 31 years will remunerate you for that outlay?
No, it will not.

1306. What extent of lease do you think would remunerate you for that outlay?
No less than 61 years would do for me for building, and reclaiming, and draining.

1307. *Chairman.*] Have you or your family long held the land, or were you the first of your family that came on that property?
My father was on the property before me. I or my family have been on the property about 80 or 90 years.

1308. Lord *Meredyth.*] You hold at Griffith's valuation, I think you said?
Something about that; within a few shillings of it.

1309. How much do you think you have improved the letting value of the land by the improvements you have made upon it since it has been in your occupation?
I could not say.

1310. You say you have laid out 300 *l.* in buildings; you have also, I think you said, drained and subsoiled, did you not?
Yes.

1311. How much do you think you have improved the letting value of the land; do you know what you have laid out in drainage and subsoiling?
I did not keep an account of it.

1312. Earl *Grey.*] Can you give a rough guess?
I think I made it worth double what it was when I got it.

1313. Lord *Meredyth.*] You have increased the value of it to double?
I have.

1314. What do you pay an acre for it now?
I pay 10 *s.* 8 *d.*; that is what I paid when I got my lease.

1315. Ten shillings and eight pence an acre?
Yes.

1316. You think it is now worth 1 *l.* an acre?
I think it would be worth 18 *s.* to me an acre.

1317. Earl of *Lucan.*] That is an Irish acre?
Yes, 18 *s.* an Irish acre.

1318. Lord *Meredyth.*] In the case of building the out-houses, you did not give us the accurate amount; but you did give us a rough calculation of what it might have cost you; could you do the same as regards the drainage and subsoiling?
I kept an account of the draining; it was very difficult; it was a marshy place; it was often slipping, and it cost me on the average, I know very well, 5 *l.* an acre.

1319. Earl *Grey.*] Upon how many acres have you spent 5 *l.* an acre?
I think it is about half the farm I have.

1320. What is the farm?
Fourty-four Irish acres.

1321. And you have spent 5 *l.* an acre upon half of it?
I did indeed.

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1322. That is about 120 *l.* that you have spent upon subsoiling and draining?
Yes.

1323. Lord *Meredyth.*] And 300 *l.* on buildings?
Yes.

1324. Earl *Grey.*] Therefore you think you have spent altogether upon the farm somewhere about 420 *l.*?
Something about that, as far as I can guess, for I never took an inventory of it; I have a faith in my landlord.

1325. Earl of *Kimberley.*] Have you spent anything more on reclaiming mountain land, or getting mountain land into cultivation?
Not on my own part.

1326. Then the whole sum that you have spent would be from 400 *l.* to 500 *l.*?
Yes.

1327. Lord *Dunsany.*] Before you began to build or to improve, you had a sort of understanding with your landlord that he would give you a lease?
I had no understanding whatever.

1328. You had no understanding with your landlord that you should have a lease?
No.

1329. Did you ask for a lease before you began to build?
No, I did not, but I asked for it after building the house, before I built the out-offices; I then asked a lease of my landlord, and he ordered a lease for me.

1330. You did ask for a lease before you began the out-offices?
Yes, before I began the out-offices or the drainage.

1331. And you got a promise of one?
Yes.

1332. Was the promise in writing, or was it only by word of mouth?
By word of mouth.

1333. Are you not aware, that if a promise of a lease was in writing, even if it was only a little scrap of paper, it would bind the landlord?
I do not know that.

1334. Do not your neighbours generally know that the Court of Chancery makes that the law of the country?
I do not know; we do not understand the law of it in that part of the country.

1335. Do you not think it would be a very good thing if people did understand the law, and if they always had written agreements before they began their improvements?
I think it would be very good in general if they could have them.

1336. Have you known any neighbours of yours who did the same thing; that is to say, made improvements without having any written promise of a lease, and who afterwards were either turned out of their holdings, or had the rent raised upon them?
I know there are a great many; I saw people who did as much improvement as I did myself who were turned out without any remuneration; there were 26 families turned out on the 25th March.

1337. They were turned out after improving the land?
Yes.

1338. What sort of tenants were they, large or small?
They were large tenants.

1339. Holding about how much land?
I know one or two of them held about 50 acres, and some 60 acres.

1340. They were your own neighbours, so that you are sure of the facts?
I could tell you who they were, and the landlord too.

1341. Is the landlord a head landlord or is he a middle man?
He is a head landlord.

1342. About how much land has he?
In my neighbourhood he holds about 2,000 or 3,000 acres.

1343. And he turned those tenants out after they had made improvements?
He did, but I understand that the landlord was not aware of it; that it was the agent who did it; that the landlord was sorry afterwards when he came to know that they were turned out.

1344. Did it make a great disturbance in the country?
It did indeed.

1345. Did it come before the assizes, or the Quarter Sessions?
It did not.

1346. Earl of *Lucan.*] What is the date of your lease; how long have you had this lease you talk of?
I believe it is seven or eight years.

1347. I think I understood you to say that you or your family had been from 80 to 90 years upon that farm?
We have been on that farm about 80 or 90 years.

1348. I think I understood you to say that, between buildings and reclamation, you had spent 10 *l.* an acre upon it?
Upon what I reclaimed I spent 9 *l.* an acre.

1349. I understood you to say that your buildings had cost you 300 *l.*?
That is it.

1350. And your holding is 40 acres?
Forty-four Irish acres.

1351. Then you have already spent 300 *l.* in buildings?
Yes.

1352. And you spent the remainder, 120 *l.* in reclamation and drainage?
Yes, I suppose about that.

1353. This farm of 40 acres, which has been in your family for 90 years, was in such bad condition that it was necessary to expend 10 *l.* an acre upon it to make it pay the rent?
I will explain that to you. I will give you facts for it. At first I held it under a middle man; there were three middle men; and about 15 years ago it fell into the hands of the head landlord, and when it fell into his hands I got a promise of a lease, and I began upon my reclamation.

1354. I think I understood you to say that you paid 10 *s.* an Irish acre for it?
Yes, that is the valuation I got it at from the present landlord; 10*s.* 8*d.*

1355. Ten shillings an Irish acre, or 6*s.* 6*d.* a statute acre?
I do not know about that.

1356. Then this land has been 90 years in the family, and you have spent 400 *l.* upon it within the last 10 years, and you have made it worth 6*s.* 6 *d.* a statute acre?
Yes.

1357. Earl of *Kimberley.*] You just now said that by an expenditure of 400 *l.* you had made the land worth 6 *s.* 6 *d.* a statute acre, which is equivalent to 10 *s.* an Irish acre; but you said before that, your expenditure of 400 *l.* had raised the value of the land to 18 *s.* an Irish acre?
Yes.

1358. That is what you adhere to?
Yes.

1359. The reason why your family did not improve it before was because you had no security?
Because we had no security; there were three under-landlords.

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1360. When you came under the head landlord, whom you could trust, you began to improve it?
Yes, that is the very thing.

1361. Lord *Meredyth.*] If you had a lease of 61 years, would you expect to be compensated for your outlay in buildings, or draining, or subsoiling at the end of the lease of 61 years?
I think, at the end of 61 years, the profit would pay me for my labour.

1362. You would not expect anything?
I should not, at the end of 61 years.

1363. Earl of *Kimberley.*] Would you consider it a hardship, if at the end of your present lease of 31 years you were raised 8 *s.* an acre?
I think it would be a hardship.

1364. Do you think that the landlord would be justified in raising the rent, to some extent?
I think he would.

1365. But you think not to the whole extent of 8 *s.*?
No.

1366. Earl of *Lucan.*] What is the amount of your county cess?
The amount of the county cess is about 1 *s.* 1½ *d.* or 1 *s.* 2 *d.* in the pound.

1367. Is that the amount of the two cesses?
No; there is one in every half year.

1368. Each amounts to that?
Yes.

1369. The two cesses amount to 2 *s.* 4 *d.*?
That is the very thing.

1370. Is it 2 *s.* 4 *d.* in the pound or the acre?
Two shillings and fourpence in the pound, according to Mr. Griffith's valuation.

1371. Lord *Meredyth.*] Then you would not consider it a hardship if at the end of 61 years, when the landlord took possession of the land, he was to charge an increased rent of 9 *s.* an acre?
No, I should not think it a hardship; I could easily repay myself. It would be of better value for me at the end of 61 years than at present.

1372. Duke of *Devonshire.*] We understand distinctly that your landlord has given you no assistance towards any of these improvements?
No, he gave me no assistance in the least, that I know of.

1373. No assistance in money?
No; but the agent said the lease would be extended again for 31 years, making it 60 years.

1374. *Chairman.*] You expended all this money you have told us of upon this farm on which you and your family have lived so long; of course all of that was not ready cash; some of it was in the labour of your own horses, I suppose, and work; but with regard to the money that you actually expended out of pocket, was most of that money made in farming?
No, I had it of my own; it was cash I had.

1375. Lord *Meredyth.*] Are there many farmers in your neighbourhood, do you think, who have made money, and put it by, by farming?
Yes; a good many in my neighbourhood make money by farming, and put it into the bank.

1376. They are able to make money upon the farms as they are?
There are a few that are making money upon their farms as they are, but then they are under good landlords.

1377. *Chairman.*] Has not a good deal of money been lodged of late years in the Limerick banks?
There has.

1378. That

1378. That is a well known fact through the country?
Yes.

1379. Earl of *Kimberley.*] You think if they had the security of leases, they would lay out some of that money?
They would, there is no mistake.

1380. Instead of putting it into the bank?
Yes.

1381. *Chairman.*] Do you think the land about Limerick still capable of improvement?
Yes, from there to Kerry and Killarney.

1382. Earl of *Lucan.*] You are a dairy farmer, are you not?
Yes.

1383. How many cows do you keep?
When I commenced this farming 14 years ago, I had only one cow.

1384. How many have you now?
I have about 15 cows now upon the farm, and a horse.

1385. Do you grow corn as well?
A little corn, and turnips and potatoes. When I was sub-soiling this, and getting it up, the first year I had not much from it; but then I had a good crop for a couple of years, and then I turned it into grass.

1386. *Chairman.*] Did you ever know tenants in your neighbourhood to refuse leases?
I never heard that.

1387. You never heard of landlords round there offering leases to tenants who declined to take them?
I did not hear of any man refusing it, or being offered it who would not like it; that is, unless the landlord were to offer it too dear.

1388. Lord *Meredyth.*] You think the best thing that could happen for the tenantry of Ireland, would be that they should get leases?
I think it would, if they got them at a fair rent.

1389. They would agree to the leases; the leases would be the subject of agreement between them and the landlord?
Yes.

1390. Did you ever think how you could bring that about at all?
Never; I never thought about that at all.

1391. *Chairman.*] Have you known tenants ask for leases, and be refused them?
I know several tenants who asked for leases, and could not get leases.

1392. Lord *Meredyth.*] Do you think there are more or fewer leases now, than there used to be 20 years ago?
I do not hear much of leases in my district, but what Lord Devon and Lord Clare give.

1393. Lord *Dunsany.*] Would you just mention the facts respecting those tenants that were turned out: you spoke of some tenants who had been turned out of their holdings on the 25th of March, did you not?
That was so.

1394. How many were there of them?
I believe there were 35 or 36 families.

1395. All on one estate?
All on one townland, or perhaps two townlands.

1396. How many acres might there be in the one or two townlands?
In the two townlands, I believe it is over a couple of thousand acres; it is a mountainous district.

1397. It was chiefly mountain land?
Yes.

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1398. I want to know how they came to be ejected. You say that you believe the landlord did not know of it, but that the agent turned them out. Why did the agent turn them out?
The agent, I understand, made them promise to make arrangements to run straight boundaries.

1399. Who made that promise?
The agent made them promise that every man should give him up possession, at the 23rd of March, so as to run straight boundaries; and then he turned out those I have told you of.

1400. *Chairman.*] Why did the agent wish to get rid of them at all; did he want to raise the rent upon the land, or were they not solvent tenants, or had he any disagreement with them, or what was the object of changing the tenancy?
He would be paid; he would get what we commonly call a bribe from the new tenants.

1401. Lord *Dunsany.*] He got a bribe from the new tenants, to turn the old ones out.
He did; it was proved.

1402. Was it one large tenant that came in to take the holdings, or a number of small ones?
There were three or four large tenants.

1403. They came in, and took the holdings of the small tenants who had been turned out?
Yes.

1404. Is that quite a safe thing to do in that part of the country?
Not very safe, for it is the great cause of disturbance there.

1405. Was there any disturbance there on that occasion?
There was; there were threats.

1406. Was any one shot at?
The man was not shot. The agent left the country; he was dismissed by the landlord.

1407. In fact, it was the agent that did this, without the approval of the landlord. Was that so?
There is no mistake about it, it was; the landlord would not have approved of it if he had known it.

1408. *Chairman.*] The landlord got nothing by the change, whatever the agent got?
Not a bit. The landlord would not have approved of it, if he had known of it.

1409. Lord *Dunsany.*] Do the tenants in your part of the country understand that the landlord, in this case, is not to blame in the matter?
I believe they do.

1410. They all know that he was not to blame?
No, he was not to be blamed, but the agent was; and the agent was dismissed at once, when the landlord came to know it.

1411. *Chairman.*] Is there anything in your part of the country like what is called tenant-right; I suppose you know what that is?
We have nothing of that.

1412. You have nothing of tenant-right as they have in the north; I dare say you know?
Not a bit.

1413. Is it usual for an outgoing tenant to receive anything from the man who comes in; is there any exchange of that kind?
Nothing in my part of the country.

1414. Earl of *Kimberley.*] Is there never a payment made for good will?
There is, if you have a good landlord; Lord Devon always allows it.

1415. Does the in-coming tenant never pay to the out-going tenant for the good will of a farm?
He does, sometimes.

1416. Lord *Meredyth.*] Are there any very small holdings in your neighbourhood?
There are, very small holdings.

1417. Would you give leases to those small holders?
There are two landlords that give them, Lord Devon and Lord Clare; those are all the leases in my part of the country.

1418. To the small holders?
Yes.

1419. Of what size?
Twenty acres.

1420. Would you give a lease to a smaller farm than that?
There are no leases given to a smaller farm.

1421. *Chairman.*] Nothing under 10 or 12 acres?
No.

1422. Do you think it desirable that a tenant should always hold under his landlord with a writing; a written agreement for every kind of tenancy?
I do not know anything about that rule.

1423. As regards even middlemen, and in every other case, would it not be a good thing for the tenant, and for the landlord too, that whatever was understood between them should be put in writing, in order that there should be no dispute?
I think it would, it would be very fair.

1424. Has there been much or any litigation going on in the county of Limerick between landlords and occupiers?
I have not heard about it of late, for the last four or five years.

1425. There are not any cases before the quarter sessions, or the higher courts, that you know of?
No.

1426. Lord *Meredyth.*] Do you employ many labourers?
I have employed 100 labourers the last two or three years, not on my own farm; I have five labourers on my own farm.

1427. Do they live upon your farm?
I keep them in my own house as servants.

1428. Do any of them occupy houses upon the farm?
No, not one.

1429. They all live in your own house?
Yes, they all live in my own house.

1430. Earl of *Lucan.*] How do you employ 100 labourers?
No, five labourers.

1431. You said 100?
I have public works going on; I do not employ 100 labourers on my own farm; I have five labourers employed on my own farm.

1432. What are these public works you talk of?
Road repairing and making new roads.

1433. That is contract work, I suppose?
Yes, I am road contractor too, but I am overseer of the works.

1434. *Chairman.*] On your farm you require five men?
I have five men constantly.

1435. And you require as much as that for 44 Irish acres on a grazing farm?
Yes, I require it, for I have the public works and the roads.

 1436. I am

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1436. I am talking now of the five men; they do not work upon the public roads?
No, they do not; I keep them working always at the farm.

1437. In your part of the country the cows are always milked by men, are they not?
Servants have been getting very scarce, and they are now training the servant boys for milking cattle, they are as good as the servant girls.

1438. Are not men generally preferred to women for milking in your part of the country?
They are preferred.

1439. They are supposed to milk better, are they not?
They are.

1440. Marquis of *Bath.*] Are there many labourers in your part of Ireland; that is to say, men who have no farms of their own?
There are.

1441. A good many.
A good many.

1442. Are there many small farmers who work part of the year for the larger ones?
There are a few, but a good many have emigrated the last couple of years.

[The Witness is directed to withdraw.]

MR. JOSEPH KINCAID, is called in; and further Examined, as follows:

Mr. *J. Kincaid.*

1443. *Chairman*] HAVE you looked over the Bill again since the last meeting of the Committee?
Yes, I have.

1444. Are there other clauses to which you wish to direct our particular attention?
There are. (*The Witness points out certain verbal amendments which he would desire to see made in the Bill.*)

1445. Do you think it would be feasible and well to exempt lodgers from the operation of this Bill, if it passed into an Act?
I would go a little further than that; I would exclude lodgers necessarily, and weekly tenants and monthly tenants and quarterly tenants, and anything, in short, less than yearly tenants.

1446. Do you think upon large estates, or with reference to farms generally, a power of distress is necessary?
Yes, only in exceptional cases. I think the power is necessary, because of exceptional cases.

1447. Of course the law cannot take notice of exceptional cases; the law must be general one way or the other?
Yes, but if the law be generally that you cannot distrain, the exceptional cases are left without remedy.

1448. Lord *Meredyth.*] You are against abolishing the law of distress?
Yes.

1449. Do you think, if you were to abolish the law of distress, it might, in some cases, work a hardship upon the tenant?
It would involve the necessity of your bringing an ejectment in every case of non-payment, and of course that would be much more expensive; the cost of a distress is small, it may be only 2*s.* or 3*s.*, but if you serve an ejectment you cannot do so under a great deal more than that. If you deprive the landlord of the power of distress, he has then no option but to bring an ejectment if the rent be not paid.

1450. Would you have distress executed by any particular officer, or would you leave the law as it stands in that respect now?

In

In Dublin we generally employ auctioneers, but in the country, of course, we have no one to look to to execute a distress but the bailiff of the estate.

1451. Lord *Meredyth.*] What is the practice in towns?
The practice in towns is generally to employ an auctioneer, in the same way as the sheriff does.

1452. Do you approve of that plan?
It answers very well; he has more experience in consequence of his acting for the sheriff generally in cases of that kind.

1453. You do not suggest any improvement upon that?
I do not see how you could have any public officer. I have considered the matter before, and I have not been able to suggest any public officer whom you could employ for the purpose.

1454. *Chairman.*] Would you recommend the employing of a public officer at all in rural districts?
I say I have considered the matter, and I have not been able to suggest any public officer who would be equally applicable in all districts.

1455. Earl of *Kimberley.*] Would you object to employing the sheriff?
He has too much to do, he could not and would not do it.

1456. Earl of *Lucan.*] Is not it always very difficult to get the sheriff to act when you want him to execute a process?
Very difficult; in the case of the execution of civil bill decrees, you can scarcely ever get it done at all; look at such a county as Galway, or such a county as Cork, it is impossible to do it; sometimes it takes a month before you can get him to do anything.

1457. Earl of *Clarendon.*] You are obliged to interest him, or the under sheriff in it?
We can afford to do that in the case of ejectment decrees, but in the case of a distress, it would not afford it. He has always to be paid extra in those large counties if he puts himself out of the way at all.

1458. Earl of *Lucan.*] The power of distress would be useless, would it not, if the execution of it was not placed in the hands of your own bailiffs?
I should say more correctly, if it was not placed in the hands of the agent.

1459. The agent or his bailiffs?
Yes; I do not come here to defend all bailiffs of estates, I should be very sorry to employ some bailiffs in executing a distress, but I exercise a discretion as to whom I employ.

1460. Do you consider that the power of distress is much abused?
It has not been lately; I dare say it was formerly, 30 or 40 years ago, but lately I have not heard of any cases of abuse of it; on the contrary, it is so enclosed within barriers, and the tenant is so protected not only by recent legislation, but by recent decisions, and the feelings of the law courts is so strong against the landlord who does appeal to the law of distress, that your Lordships would be quite safe in leaving matters as they are. The courts have already taken up the question very warmly, and an unfortunate landlord who does anything wrong in the way of a distress, has the courts and jury against him to such an extent that they protect the tenant well.

1461. *Chairman.*] Do you think that it might be entrusted to a process server or some person of that sort appointed by the Quarter Sessions Court?
Hardly; I had a case before the Chairman of the County Dublin last quarter sessions. I went to a process server, who is considered a respectable man in his line, and I gave him an ejectment process, requesting him to have it served several days beforehand; he appeared at the sessions, and handed the civil bill ejectment process to the solicitor to go on with the case, endorsed as usual that it had been served in proper time. The case, had it been called on without any defence, would have passed as a matter of course, but the tenant appeared, and took defence, and when the process server found that out, he whispered to the attorney that he could not prove the service on the exact day on which it was endorsed, and that he had better not proceed with the case.

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case. The case was reported to the Chairman, and he fined him, of course, heavily, but he still continued him in office.

1462. And even if the tenant does not appear I apprehend the assistant barrister generally calls upon you to prove service?

That is done by handing in the process with the endorsement upon it; at the time they serve it they have to endorse it, and the usual way of proving it is that the men are sworn generally at the sessions. They are expected to verify each endorsement as the case is called on, but when there is no appearance for the tenant, this may be done in an indifferent manner.

1463. That would have involved perjury, on the part of the process-server, would it not?

No doubt if he had sworn it, but he did not.

1464. I think you have stated, in your evidence, a general objection to the registry of transactions?

I gave it, as my opinion, that it was not necessary that mere agreements should be registered, but that agreements relating to improvements should be registered.

1465. I wish to ask your opinion upon another subject; you are familiar with the operation of the custom of tenant-right, are you not?

I am.

1466. Some of the estates, under your management, are in the districts in which that custom prevails, are they not?

Yes.

1467. Have you found it injurious, or the reverse, to the tenantry or the landlord, and the general well-being of the property?

As a general rule I do not think it is injurious to property, but it very often is carried to an excess.

1468. Do you think it would be desirable to introduce the custom into other parts of Ireland, where it does not prevail?

Certainly not by legislation.

1469. You do not think that, in any case, the enforcing of it by the Legislature would be good?

I am quite of that opinion; your Lordships must recollect that tenant-right means two or three different things. It means, in the first place possession of the land, irrespective altogether of the state or condition in which you get the land and buildings. Secondly, it includes improvements made by the tenant; they will increase the amount of tenant-right; if the land be in a high state of cultivation, and the houses and buildings in good repair, the tenant-right will be increased; thirdly, the question of rent will enter, to some extent, as an ingredient in the calculation, and associated with that will be the character of the landlord. They are nearly the same points, because if you get under what is called a good and liberal landlord, who does not charge very high rents for his land, a tenant will give a larger amount of tenant-right fine for a farm than he would under a very severe landlord, who screwed out the last penny he could get as rent for the land. I do not see how legislation is to provide against those three matters. The question of possession of the land is a matter that I am afraid you could not possibly meet by legislation.

1470. I gather that you do not think you could, with due regard to sound principles, give the tenant that amount of right of property in the land which you call possession?

I think it would be very unjust; it would not be a just principle of legislation to do so; at the same time, in practice, I do not object to an in-coming tenant giving a small sum to the out-going tenant for what may be called his good-will, that is the general term. These tenants who are obliged to give up their farms most frequently emigrate; it may be that the landlord emigrates them at his own expense, not only by paying the cost of emigration, but losing his arrears of rent, and lets the land they have given up to any tenant he pleases. But it is not all landlords that either can or will do that, and the party emigrating may be very badly off for want of funds to take his family out in a comfortable state

state, either to Australia or America. I think that is a case where the in-coming tenant might be pressed, or asked at least, to give something to the out-going tenant on his removal from the farm, and I have done so myself frequently.

1471. When you talk of these tenants giving up their farms to emigrate, I presume you do not mean that they have given them up voluntarily, having paid up the last shilling of rent, but because they found themselves unable to pay the rent, and were compelled to go?

Precisely.

1742. Earl of *Clarendon.*] Do you know any cases of solvent tenants, men who have paid their rents regularly, who have given up their farms to emigrate?

I do; but in those cases they usually expect some compensation either from the landlord, or from the in-coming tenant.

1743. In those cases they preferred to emigrate with their families rather than remain in the occupation of their land which gives them a good return?

I have known such cases, for this reason, their families and their relatives and friends have emigrated before them, and hold out such inducements to them to go, that nothing would prevail upon them to remain in this country.

1474. Are those cases very frequent of good farms being thrown up by solvent tenants for purposes of emigration?

They are not numerous, no doubt.

1475. They are rare exceptions, are they not?

They are quite exceptions, and very rare exceptions, I should think.

1476. *Chairman.*] Have you known any such case where the farms have exceeded 20 acres?

Yes.

1477. Have you known any of 30 or 50 acres?

I have; in short, I wish it to be understood that I know many cases of tenants who emigrate from choice, and not from necessity, and who go to a foreign country from the inducements held out to them, not from any embarrassment arising from their tenancy here.

1478. Lord *Dunsany.*] Does that apply to the north?

No, I mean in the midland counties; in the north they would sell their tenant-right at once; there would be no question about it, and get 8 *l.*, or 10 *l.* or 12 *l.* an acre; there would be no questions asked, except as to the character and solvency of the new tenant, and I should probably know nothing more about it. In the other counties the agent is generally consulted and always knows about it.

1479. The cases of giving up land which you have known for the purpose of emigration, have been in other parts of Ireland besides the tenant-right part?

I do not think I have known it in the tenant-right part.

1480. It has been in the other parts?

Yes; in the north of Ireland the tenant would perhaps just ask the agent's leave to get rid of his farm and sell his tenant-right, and merely submit the name of the new tenant for approval.

1481. *Chairman.*] Do they ever contrive to do that, escaping your vigilance, so that you do not know it until the bargain is effected, and the farm has changed possession?

It does sometimes happen, but rarely, I think; if an estate is well looked after, the agent will know everybody on the estate and round the country in a little time.

1482. Marquis of *Bath.*] You never would sanction a transfer of a farm made without your consent, even where tenant-right prevailed, I suppose?

I would not go so far as that, because the new tenant might be a good one, though I did not know of the transaction.

1483. You would not consider a tenant entitled to sell his occupation of a

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farm without the consent of the landlord or his agent, even where tenant-right prevailed?

No.

1484. Lord *Meredyth.*] You said, I believe, that you would not apply the provisions of this Act to towns?

Yes.

1485. Why?

Because I would exclude weekly tenants, and monthly tenants and quarterly tenants from the operation of the Act, as I do not think the provisions of the Act suitable for holdings of thatkind, but chiefly because, in property where buildings are the essence of the value of the property, many of the provisions of this Bill, I think, are altogether unsuitable.

1486. Why is a simple written contract unadvisable, as regards tenancies in town?

I did not intend to convey that I would exclude tenancies of that kind in towns from written contracts, except with regard to weekly tenants; I would exclude them altogether, as well as monthly and quarterly tenants.

1487. Where there was a distinct and separate tenement (I do not speak of lodgers), even if it was held by the week, do you not think a written contract would be advisable?

I understand you to mean a self-contained house; in that case I think a written contract would be suitable.

1488. What is the mode of holding lodgings in small tenements in towns generally?

I am not very conversant with the mode in which the contract is entered into between the tenant and the landlord, for I have not many such cases myself; but I think the usual course is to give the tenant a pass-book, and to enter his monthly or weekly rent in the pass-book; and as he pays the money every week or month, as the case may be, the landlord enters the payment in the book which the tenant keeps.

1489. Do you think that that is a satisfactory system, and do you find it to work well?

I never paid much attention to it; I do not see, myself, any great objection to it.

1490. Is there a sufficient check upon the bailiff in those cases?

It is not generally bailiffs who have to do it, it is the owner of the house himself.

1491. Who hands the pass book to the tenant?

The owner of the house goes round and collects his rents; the owners of these houses are a class of people who give up their time to it.

1492. The landlord collects the rent?

Yes, if he is entitled to the dignified title of landlord; he rents the house from me or from some one else, and puts it into repair, and keeps it in repair, and lets it out to weekly tenants; he looks after these tenants, and devotes nearly his whole time and attention to the business.

1493. You are aware, of course, that there is a summary jurisdiction in the case of towns for re-possession?

I am.

1494. Do you approve of that?

I do.

1495. Do you think that that is a good system for the tenant as well as for the landlord?

I do; I was suggesting to Mr. Hamilton that it would be as well to introduce it here, but it seems that it is not under the Landlord and Tenant Act, but under the Petty Sessions Act, therefore it is not necessary.

1496. Would you approve, generally, of attaching to that summary jurisdiction

tion power, some such proviso as there is in the Act to which you refer, namely, that the house should possess certain sanitary requisites; do you think that would work well?

I think it would.

1497. And be useful?

And be useful. I think the Sanitary Board are of themselves doing it at present in all towns.

1498. Would you approve of any compulsory law as between landlord and tenant?

There are a good many compulsory provisions in this Bill that I have not said anything against, for instance, binding the remainder-man, and things of that sort.

1499. I do not mean that kind of compulsion, but I mean with regard to compensations, or giving the power to build or improve without the knowledge or consent of the landlord, and founding upon that a compulsory charge against him; would you approve of that?

I would not.

1500. What do you think would be the effect of such a law as that?

The great effect of it would be, and the one I most object to, that it would produce a very bad feeling between the landlord and his tenants; I do not go so far as to say that it would lead to the consequences that some people state, that the landlord would serve his tenants with notice to quit, and all that sort of thing; I do not think it would, but I do not think it would operate generally at all, and where it did operate on a particular estate, it would produce a bad feeling between the landlord and his tenants, which would be injurious to the improvement of property and to the interest of the country.

1501. Would it affect rent, do you think?

I think not.

1502. Would it affect the value of property generally to sell?

I think it would affect the sale of property.

1503. Do you think it would depreciate the value of property?

I think it would. I may be allowed to say that the evils which have resulted from competition rents, and the raising of rents beyond the fair rate that the landlord would charge the tenant in ordinary cases, have arisen chiefly in the cases of the recent purchases under the Landed Estates Court. In those sales persons buy small portions of property; of course their interest is to get as large a return as they can, and they think of nothing but the increase of the rent, as far as my experience goes.

1504. You have watched the progress of the Landed Estates Court?

I have indeed; I have been obliged to do it.

1505. Have not the large estates, in a great many instances, been very much subdivided?

Very much.

1506. And put up in lots?

In many cases; in the majority of cases.

1507. So as to be within the reach of small capitalists?

Yes, that is the case.

1508. They have been put up by the Court in that way?

Yes; that has been the rule, in fact, in the courts generally.

1509. Earl of *Clarendon.*] They have been put up in lots in order to bring the purchase within the scope of small capitalists?

Yes, so as to bring naturally as much competition for the purchase as possible.

1510. That was for the purpose of getting as much money for the estate as possible; it was not for any national, or political, or social object?

I could not say the object the judges had in view; but they have adopted the

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plan generally, with the consent of the sellers, to make as many small lots as possible.

1511. Earl of *Kimberley.*] Has not it been for the interest of the vendor to make a good many small lots?

Yes, it has been generally, as I say, with the consent of the vendor; but I ought to mention that Judge Longfield had a very strong opinion on the subject, that selling property in small lots, and having a large number of small proprietors through the country, would be beneficial to the peace and prosperity of the country.

1512. Lord *Meredyth.*] Has that been, in fact, the result?

To some extent. I do not go so far as he does.

1513. Has not the result been that the large estates have been very much subdivided?

Yes.

1514. Earl *Grey.*] Is it the fact that the properties sell higher in small lots than in large ones?

One would naturally expect it to be so; there is, of course, an expectation of there being more men competing when the price is from 2,000 *l.* to 10,000*l.*, than when it is 10,000*l.*, 20,000*l.* or 50,000*l.*

1515. Is it found that the price is higher for the land in such small lots than it is in large ones?

I think it was a few years ago. I do not think it has been the case so much latterly.

1516. Lord *Meredyth.*] Do you know of many instances where the tenants upon a property before it was subdivided, have bought small lots under the Encumbered Estates Court?

Very few indeed.

1517. I think you said the present law was full of contradictions?

Yes, I said some of the recent Acts of Parliament were full of inconsistencies.

1518. I will say the present laws; that is your opinion?

Yes.

1519. Is not that a very fertile source of litigation?

No doubt it is; and of considerable difficulty in the management of property.

1520. If it could be done, do you not think that to compile a complete and consistent code of laws would be a most desirable object to effect?

I am of that opinion entirely.

1521. Do you find in your experience that the tenants are anxious to have leases?

I should say not; there are many exceptions, however; there are very many tenants who are anxious to have leases, and ask for leases, but they are by far the minority.

1522. What is your practice generally in filling leases; do you do it all yourself, or are they submitted to an attorney?

That depends upon circumstances; if there be a general granting of leases upon an estate, as happens in some cases where the landlord wishes that his tenant should take out leases for 21 years, I have the leases printed, and only have to fill up in them the names and the rents and the terms; and in these cases they are done in the office for the purpose of saving the tenant cost.

1523. They are done at a very small cost in these cases?

Yes, at very small cost. If there were an agreement made for a lease of a farm of some size with parties sufficiently able to pay for it, as I am not myself licensed to be a conveyancer, I should not feel myself justified in drawing a lease, and charging for it; in fact, if I draw a lease I cannot charge for it, and therefore, it is handed over to the solicitor of the estate in such cases.

1524. In that case is the expense considerable?
It is rather more.

1525. Do you know instances of tenants refusing to take out a lease, on account of the expense?
I know of many instances of tenants declining to take a lease, or rather, not taking it, and leaving the lease on our hands.

1526. In those cases they would have taken it if there had been no expense attached to it?
I have a pile of leases at this moment, signed by both landlord and tenant, the stamps of which have not been paid for; this has been going on for years.

1527. The tenants have refused to take them?
I do not go so far as to say that they have refused or declined to take them; but the tenant does not pay for it, and does not care a farthing about it.

1528. *Chairman.*] Would those leases, in any case of litigation, supposing you were served with notice to produce them, be allowed validity or not, in a court of justice; take a court of equity?
I think they would; but I would not venture to say positively, one way or the other.

1529. Earl of *Kimberley.*] The Court would order them to be stamped, I suppose?
They are stamped. All I ask is for them to pay for the stamps and the maps; there are maps generally attached to them.

1530. Lord *Meredyth.*] They are valid documents?
They are valid documents. Either the landlord or the tenant may ask me for them any day he likes, and I do not think I could refuse them.

1531. Could you tell me at all the number of tenants that are under your supervision?
I am afraid I could not. I receive the rents of about 60 estates, in about 22 or 23 counties in Ireland. I could only make a guess at the number of tenants: I should say there are about 10,000, perhaps; it is more a guess than anything else. I manage upwards of 60 estates.

1532. In giving the powers to landlord and tenant to enter into compensation agreements for improvements to be made hereafter, would you apply that to existing improvements, and give them the power of making compensation agreements with regard to improvements now existing?
I should say if it was so done it should not go further back than about five years; so that what the improvement was should be perfectly within the compass and reach of the observation and information of both landlord and tenant.

1533. That would have a retrospective effect, of course?
Yes.

1534. But it would be very limited, and by mutual agreement?
Yes.

1535. That you have no objection to?
I have no objection to that, but the improvement must be so recent as to be perfectly capable of being seen and judged of by both parties.

1536. Earl of *Clarendon.*] How do you think this Bill, supposing it was passed into an Act, would be received in Ulster; would it be considered as any interference with the tenant-right there?
I do not think the Ulster people care a farthing about legislation upon that subject; they are well contented with what they have got; they would rather you should not legislate at all.

1537. The tenant right being so established in Ulster that it would be extremely difficult to uproot it, do you think that a system of written contracts between landlord and tenant will be well or ill received there?
I do not think the tenants generally will object to them. Perhaps I may be allowed to say that I have not very much business at present in those parts of the north of Ireland where tenant-right chiefly prevails, such as Down, Antrim, and Armagh.

 1538. Still

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1538. Still you have cognizance of the system?
Yes.

1539. And probably of its operation?
Yes.

1540. What is your opinion with respect to the evidence which we have heard in this room, which is, that an outgoing tenant sometimes gets something like 20 years' purchase for his right, or what may be called the good will of the property, and that the incoming tenant pays that, and undertakes to pay to the landlord a fair rent; do you think that that can be beneficial to the property?
I do not.

1541. Either to the landlord or the tenant?
I do not. I think the answer I gave before would meet such a case. Under very special and limited restrictions I think it would be beneficial, but it may be carried so far as to be injurious. I think that in the case you put it would be injurious to the landlord, and very injurious to the tenant.

1542. You must be aware that such cases are very common?
I think 20 years' purchase is very high.

1543. *Chairman.*] With regard to the effect of written contracts upon tenant-right, a written contract would not necessarily affect tenant-right, would it?
Certainly not.

1544. Or prevent the tenant being, as I believe he generally is in the north of Ireland, a yearly tenant?
Tenant-right is not very much affected by the circumstance whether a tenant has a lease or is a yearly tenant, and I think it would not be much affected by the fact that the landlord and tenant had a written contract, instead of a parole agreement.

1545. Therefore, so far, if it was shown to a tenant in Ulster that by a written contract he incurred no risk of removal, that he has not at present, I apprehend that he would not object long to it, if he did at first?
I do not think he would object to it if he was reasonable, and if he was convinced that it would not affect his imaginary rights.

1546. It might gradually be introduced in that part of the country, though perhaps, slowly?
Yes; I do not anticipate any difficulty upon that subject.

1547. Earl of *Kimberley.*] Do I rightly understand you to say you do not think there would be any serious difficulty in enforcing throughout Ireland a system of compulsory written contracts?
In rural districts. I do not think there would be any practical difficulty.

1548. You do not think that it would be any hardship to the landlord in case no written contract was signed between him and his tenant, that he should after two years lose any remedy for rent, except in the superior courts?
I have already stated that I object to that very strongly.

1549. In what way would you make written contracts compulsory then, if you removed that provision from the Bill?
I am not favourable to compulsory provisions at all.

1550. Then I understand you to say that you are not in favour of compulsory written contracts?
I am afraid of the effects of them; they raise a great many points of detail. I have taken some trouble to consider them, but as I told my friend Mr. Hamilton, I am afraid of the effects of compulsory written contracts in cases which we cannot always anticipate. I am in favour of written contracts notwithstanding.

1551. *Chairman.*] With reference to the sales which have lately taken place, of which you said something just now, in the Landed Estates Court, do you think that the results of the division of property which you stated had taken place, have been generally for the benefit of the tenants and of the country.

In those cases where the purchaser has been able to get the occupation of the land into his own hands, and resides upon the property, being the owner in fee of his land, he will naturally make much greater improvements than a tenant would, and in so far the sales have been beneficial; but the great majority of purchases under the Encumbered Estates Court, as well small as large, are of lands in the hands of under tenants and tenants occupying the land which has been purchased very often by a stranger; in these cases, I think the purchase has neither been beneficial to the tenants nor beneficial to the country. Those persons are generally very severe in the charging of rents for the land, putting the land to competition, when of course a tenant will give any rent rather than give up his land, and they do very little in the way of improvements; in fact, I see no good results flowing from it at all. I have observed it carefully in certainly 20 counties in Ireland.

1552. Even in cases where the purchasers occupy the lands themselves, would not such a class of proprietry be less likely than more extensive proprietors to effect, either in concert with their neighbours, or by their own means exclusively, anything in the way of large improvements like arterial drainage, or opening roads extensively?

Yes; I have had considerable difficulty, in the cases of purchases of that kind getting into the hands of small proprietors, to get their co-operation. I have rarely got their assistance, and it has even been difficult to get their consent to such improvements as your Lordship has suggested; such improvements as involved the necessity of co-operation by a number of joint proprietors, arterial drainage even on a small scale, and outlets for other drainage. Of course you are aware that there is a provision in one of the Drainage Acts by which magistrates have the power of enforcing outlets for drainage, but that is very little acted upon; the magistrates do not like it much, and independently of the power to compel their neighbours to do it, the landowners generally try to do it with their consent, and there is the greatest difficulty about it with these small proprietors who come in under the Encumbered Estates Court.

1553. Even where a very great proportion of the improvements would be given to them?

Yes, certainly.

1554. Earl of *Kimberley.*] As a general rule, or very often, the announcement that an estate is to be sold in the Encumbered Estates Court, creates considerable apprehension and dismay among the tenants, does it not?

It depends upon the character of the landlord; it is very often the case.

1555. Duke of *Devonshire.*] I think you said that in the great majority of cases you found tenants not desirous to have leases; can you say what is the consideration which generally influences them in their desire to have leases or otherwise?

I think it is more indifference to the subject than anything else.

1556. There is not absolute repugnance?

No; I should not call it absolute repugnance, but indifference. A tenant knows that a 21 years' lease will terminate in 21 years, and that his landlord's or his agent's attention will naturally be called to the fact that the lease is out; but he thinks that if he holds from year to year his tenancy may go on, either from inattention on the part of the agent, or from his not thinking any change necessary, for 30, 40, or 50 years; there are many such cases in Ireland.

1557. Marquis of *Bath.*] Do you not think that in Ulster you would find no difficulty in inducing the large tenants to take leases; it would be the small tenant that would refuse?

Large tenants do not generally refuse to take leases.

1558. Do they prefer not having them?

They would like long leases, but 21 years' leases they do not care much about.

1559. The tenant-right in Ulster is certainly not injurious to the landlord, so far as his rent is concerned, is it?

I do not think the landlord suffers any loss of rent by the existence of a moderate

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moderate payment to the out-going tenant as tenant-right; and it secures to him payment of any arrears of rent there may be.

1560. But he cannot interfere practically in the management of his property; he is precluded from improving the land very much?

I do not agree that he is precluded from improving; I do not see why a landlord should not improve an estate in the north of Ireland as well as in the south?

1561. You think that tenant right does not preclude him from improving an estate?

I think not.

1562. At what interest can you borrow money on good security on land in Ireland now, supposing it is on a first security, to the value of one-third of an estate?

The lowest rate would be 4 per cent.; I think it would be very difficult, in fact almost impossible, to get it at less than 4¼ per cent.

1563. That is very little higher than in England?

I do not know much about that.

1564. Earl of *Kimberley.*] Then you can borrow money at about the same rate as in England?

I do not know what the rate is in England?

1565. Do you not know that the usual rate in England is 4 per cent., and that lately it has been lower.

I have got loans at 4 per cent. on Irish estates, but not recently. I can get any quantity of money now at 4½ per cent., and in some special cases at 4¼ per cent. I was offered to-day 30,000 *l.* at 4½ per cent. on behalf of an Irish gentleman on an Irish estate, and I think it will be taken.

1566. Earl of *Lucan.*] For how many years was that?

There was nothing said about the number of years. On most of the loans I have negotiated 10 years has been the period.

1567. Marquis of *Bath.*] Have you known any money being borrowed from any of those companies which lend money to be paid off by an annuity for 25 years?

I have not; of course your Lordship excludes from that question the money borrowed from the Board of Works for improvements. Those sums are all paid by terminable annuities.

1568. They are lent at a lower rate of interest?

Yes, at about 3½ per cent.

1569. You do not know of any money being borrowed from land improvement companies in a similar way?

I do not know of any in Ireland.

1570. I do not mean money that you have borrowed yourself, but that you have known of?

I do not know of any. I am often referred to by companies to report upon estates for loans, but I am not aware of any case of that kind. I take the liberty of suggesting that there is a very important power vested already in parties to make perpetuity leases, which appears to me to be omitted from the Bill, and which it would be desirable to introduce. The Ecclesiastical Commissioners have power, on ecclesiastical property, of making fee-farm grants on certain terms which neither bishops, nor deans, nor other ecclesiastical persons, have the power of doing. I do not know how far their powers will be repealed by the provisions of this Bill, but I think it would be desirable to keep these powers alive, for they have been very much acted upon. Trinity College has also the power of enfranchising leases under it, something like what is done in England in the case of copyholds; and it would be desirable that that power should be kept alive, and not repealed. There is also an Act of the year 1855, which is generally acted upon, which enables tenants for life to grant sites for churches, Roman Catholic chapels, schools, and various matters of that kind. Those are all special Acts for special purposes, and I take the liberty of suggesting that they should not be lost sight of in the preparation of any general Bill upon the subject.

The Witness is directed to withdraw.

MR. JOHN GEORGE MACCARTHY, is called in; and Examined, as follows.

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1571. *Chairman.*] I BELIEVE you are in the profession of the Law; you are a Solicitor, I think?
I am.

1572. You reside in the town of Cork?
I reside in the town of Cork.

1573. You have a thorough knowledge of the county of Cork, and, I take it, a considerable professional practice among, and knowledge generally of, the people of the county?
Yes. I have had considerable experience, for the last 14 or 15 years, as an attorney, in practice, in Cork; I am also a land agent to some extent, and I am a landowner to a small extent. I have had also some opportunities of comparing Irish tenures with tenures in France, Belgium, and England.

1574. You are generally acquainted with the feeling of the farmers in the county of Cork and the south of Ireland?
I am.

1575. Do they consider the present state of the law satisfactory, in your opinion?
No.

1576. Will you state the points upon which it is considered, or upon which you consider, the present law to be unsatisfactory?
The chief thing that appears to me unsatisfactory is that the occupying tenant, whose business it is to advance agriculture, has no security that he will enjoy the results of his labours.

1577. How would you suggest that he ought to have such security; would you suggest that he should have compensation in money from the landlord, or a certain tenure of his land, for a given period?
It appears to me that all or nearly all the circumstances under which the ownership and occupation of land in Ireland are conducted are defective; and the evils being very deep-seated and various, I think that the mode of remedying them must be multiform. I do not think any one remedy will suffice. If your Lordship pleases, I will state a few of the remedies that strike me. The primary evil is, that the occupier has no security that he will enjoy the results of his labours. To remedy this evil it appears to me that he ought to have some security of tenure. This is the most important change I propose. But improvements are also necessary, and those, as things stand, must be done almost entirely by the occupier. In order to encourage him to effect those improvements, I would secure to him some compensation in case of eviction. The owners of land themselves are tied up unnecessarily and needlessly. Even landlords find it extremely difficult to part with land, to mortgage it, or to sell it. In order to obviate that evil, I am in favour of extending to all property those provisions which were enacted by the Record of Title Act that was passed last year. Those three points are the most important.

1578. I gather from that answer that, according to your experience, most of the tenants in the county of Cork have not leases?
Yes, that is so.

1579. Are they generally desirous of having leases?
They are generally most desirous of having them where they hold the land on equitable terms.

1580. Have you known any cases where the tenants have refused leases?
I have.

1581. But generally you think they desire to have them?
Generally, where a tenant holds land at a moderate rent he is most anxious to have a lease. The only cases which I know in which tenants are not anxious to

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have leases are of two kinds; first, when they occupy at a very high rent, or, secondly, when they occupy under landlords, as very often happens, who are very good, and who are in the habit of treating their tenants with great and traditional kindness. But as a general rule, the thing the tenant is most anxious for, is some security in the way of a lease at a fair rent.

1582. What they wish is security of tenure rather than money compensation for improvements?

Yes, I should say of the two that is the more important; but both are desirable.

1583. Earl of *Clarendon.*] A lease is the form of security the tenant would like best?

I think so; but he would like to have both, and I would like him to have both.

1584. *Chairman.*] You would not give him payment in money for improvements without increasing the rent, would you?

I should be in favour as to the compensation for improvements of the Bill that was brought in this year by Lord Naas. That appears to me, as a compensation Bill, to be by far the best that I have ever seen.

1585. It was giving a lease for a certain number of years?

Your Lordships know the arrangements of Lord Naas' Bill. They are in substance as follows; that a tenant should have the power of borrowing from the Commissioners of Public Works or from some public authority the amount of money necessary for *bonâ fide* improvements; that the need of those improvements should be ascertained beforehand by some impartial public officer, that the tenant should, if he effected these certified improvements either with his own or governmental money, he should, in case of eviction, get full compensation for any unenjoyed residue of the expenditure, and that the incoming tenant, instead of being obliged to pay a lump sum, should be allowed to pay off what he had to pay by yearly instalments. Those I take to be the most important features of Lord Naas' Bill, and it appears to me to be a most admirable one, and one which would suit the purposes of the country most excellently.

1586. You would allow the tenant to make what he thought an improvement, whether the landlord thought it so or not, under that Bill?

No; there are certain classes of improvements which, under Lord Naas' Bill, he would have the power of doing, such as drainage and other things, without the consent of the landlord, but buildings or any permanent improvements could not be done, except with the consent of the landlord, as otherwise erections unsuitable to the character of the farm might be made.

1587. Do you think it better, as a rule, generally, that improvements should be made by the landlord or by the tenant?

I think that if every landlord were very wealthy, it would be more desirable to have the improvements made by the landlords, but unfortunately that is not the case in Ireland; the landlords, in most cases, are unable to make the improvements; and improvements, if made at all, must be made by the occupier.

1588. In the part of Ireland, with which you are acquainted, have there not been large improvements made by landlords of late years?

There have been considerable improvements made by landlords, but not by any means to the extent that is required. I have noted down a few things with regard to Lord Naas' Bill, as the reasons why I am so much in favour of it. I am in favour of it from the landlords' point of view, because it encourages the improvement of his land by a mode which can hardly ever result in his having to pay any money, and even in those rare instances it secures that he should pay only what he gets good value for; then, as regards the occupier, the tenant, I think it would be of service to him inasmuch as if he continues to occupy it provides money for the improvement, and secures to him also the results of his own labour; if he be ejected, it provides him compensation in a lump sum, not by way of annuity, as was proposed in a former Bill, the incoming tenant instead of having to pay, as occurs in the north, a large

a large sum at once, is enabled to pay off, by small yearly instalments, the amount that the outgoing tenant had received; and then, as regards all, it supplies money, which in most cases both parties want.

1589. You are aware that the Bill to which you allude is not the first Bill in which that provision has been introduced of allowing a tenant to borrow money, though the former Bills in which that was proposed did not pass Parliament?

I am aware that there have been other Bills for allowing tenants to borrow.

1590. But they have not passed?

Quite so.

1591. Earl of *Kimberley.*] Were there any Bills proposed which gave the power to a tenant to borrow from the Treasury except the Bill of Lord Naas?

I believe there were such Bills.

1592. What were they?

I cannot call to mind the particular Bill now; I may add that I am speaking of it now only as a compensation Bill. As a compensation Bill I hold it to be the very best, and most adapted for doing justice to landlord, to the tenant, and to the community at large that I have ever read; but I deal with it only as a compensation Bill. I think something more is requisite. However, as far as that Bill went, I hold it to be most desirable and most advantageous. My experience as a lawyer, and as a land agent quite confirms the opinions that I have expressed.

1593. *Chairman.*] As a land agent, do you think it right that a tenant should be allowed to effect what he calls improvements, and what may possibly be improvements upon his farm, or his bit of land, but which may really be very injurious to the neighbourhood?

As a land agent, and speaking in the abstract, I think not; but I think that that Bill of Lord Naas provides for that, by, in the first place, enacting that the tenant is to be allowed for no improvement unless some impartial authority certifies that it really is an improvement, and afterwards gives a certificate that the work has been accomplished. Lord Naas' Bill, also, provides that the only thing that a tenant should be allowed to do, without the consent of his landlandlord, are certain things which I think no landlord can possibly object to, namely, drainage, reclamation of bogs, and other things. As a land agent, I should be very happy to have any tenant effect reclamation of bogs or drainage; and I should be extremely glad, indeed, that he was encouraged to do so.

1594. Therefore, is it necessary to give a tenant under you the power to do it, without your consent, you having that feeling?

In my own case it is not; but everybody does not agree with me, and industry does not thrive on insecurity.

1595. Have you ever known an instance in which a landlord attempted to stop a tenant who was making an improvement by way of reclaiming bog or waste land, without some very special cause?

No; but something more is necessary than that the landlord should not object. I think an occupier ought to be encouraged to make improvements; Lord Naas' Bill does this, it encourages him, gives him money to do it; and secures him in the expenditure of his own money.

1596. It would be well to keep distinct two matters that are so in their nature; one is the advance of money from the Treasury, which you allude to now?

Yes.

1597. That is quite apart from the question about the powers given to a landlord, or to a tenant to charge land?

It is apart in one sense, but it is highly important.

1598. Our Bill relating to the improvement of land and tenure in Ireland does not deal with the advance of money from the Treasury, and in this House we

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we could not properly originate a Bill for that object; the two things are distinct?

Yes, but I was answering your Lordship's question as to Lord Naas' Bill, and explaining why I, as a land agent, think it would serve landlords, tenants, and the community.

1599. I was not referring to Lord Naas' Bill, but I was asking as to the general practice of the management and tenure of land; do you see that, practically, any mischief ensues from giving the landlord the power of revising a proposition of a tenant to drain; have you ever known a landlord interfere to stop any good improvement a tenant proposed to make?

No, I have not; but I think something more is necessary than that. Improvement should be stimulated and rewarded.

1600. Lord *Meredyth.*] Practically speaking, do you think that a tenant in Ireland would borrow money and drain his land, if he knew that his landlord objected to it?

If he were secured by some statute against the consequences, I presume he would.

1601. How could you secure him?

By affording him some secure tenure of his holding, by lease or otherwise.

1602. We will suppose this tenant to be a tenant-at-will, and holding his land accordingly. I presume you think it most desirable that a good understanding and a friendly feeling should exist between landlords and tenants in Ireland?

No doubt; nothing more desirable.

1603. Having that object also in view, and feeling how desirable it is, do you think, practically speaking, according to your extensive knowledge, that a tenant holding at will, wishing to drain his land, if he had gone to his landlord in the first instance, and ascertained from him, or even ascertained without going to him, through the agent or otherwise, that the landlord objected to his so doing, would proceed to borrow money and drain against his landlord's wishes?

No, I do not; and because I do not think so, I think that Lord Naas' Bill, while good as a compensation Bill, is not good as a Bill dealing with the whole question. I think something more is necessary; and as I observed in my earlier answer, I think the evil, being complicated, the remedy must be manifold, and that no one remedy would cure a disease of so various and complicated a character.

1604. I understand from your last answer that, practically speaking, the law would be inoperative, supposing the landlord to object; the tenant would not proceed in spite of his landlord's objection?

Supposing that the only thing done on the landlord and tenant question, was the passing of Lord Naas' Bill, I do not think a tenant in that case would improve in spite of his landlord; and because I do not think so, I think that something else is required, namely, some security of tenure.

1605. But you cannot tell me how you would combine the security of tenure with the compensation?

I think I can.

1606. *Chairman.*] Will you state what you consider the proper legislation for the security of tenure?

I should be in favour of an enactment that all tenants holding agricultural land should be entitled to a statutory lease, at a rent exceeding by one-fourth the amount of the poor-rate valuation, the lease to contain very stringent covenants against subdivision, and for proper cultivation; in point of fact, securing to the landlord all the rights that a landlord can fairly claim, or that I as an agent could claim for him, but securing also for the tenant some certain tenure of the land he tills.

1607. Earl of *Kimberley.*] What length of lease would you recommend?

Sixty years.

1608. *Chairman.*] Are you acquainted with any first-class grass land in the county of Cork?

Yes.

1609. Are

1609. Are you aware what proportion the rent, or the usual letting value of such land, bears to Griffith's valuation?

Yes, I believe the rents are a good deal more than the poor-rate valuation.

1610. Do you think it would be a judicious or equitable legislation to interfere and put a landlord down to within a fourth of that?

No; and therefore I am in favour, in exceptional cases, of a power of appeal to some impartial tribunal.

1611. Earl of *Lucan.*] You would recommend a readjustment of the rent, would you not?

Yes.

1612. Periodically?

Yes.

1613. *Chairman.*] You would begin with one-fourth more than Griffith's valuation?

Yes.

1614. Would you then have a periodical revision of the rent?

I would have a revision of the rent, when from any accidental circumstance the value of land greatly increased or decreased in the neighbourhood; supposing, for instance, mines were opened, or a new town sprung up in the neighbourhood, or the prices of produce changed very much.

1615. Earl of *Kimberley.*] Who would determine when those periodical revisions should take place?

I would give the power to either party of appealing, at certain periods, to some impartial tribunal.

1616. What tribunal would you constitute for that purpose?

I should say that some tribunal could be managed in connection with the Board of Works.

1617. In fact you would make the Board of Works the general arbitrators, as to the amount of rent, for the whole of Ireland?

Yes; I would be disposed, in case of an appeal by either party, to allow the Board of Works to arbitrate between them.

1618. Lord *Meredyth.*] You are quite opposed to the principle of the landlord and tenant, agreeing to the amount of rent between themselves?

No; but something more is necessary.

1619. *Chairman.*] Would you not interfere with such agreements, if you fixed a lower rent by statute; do you think that it would be fair, in cases where the landlord and his tenants had been upon the best of terms, and continued to be so, that the tenants should be left paying higher rents than other people paid for the same quality of land?

The plan of mutual agreement having lamentably failed, I would try another plan.

1620. Giving to the tenant a parliamentary title to the land at a lower rent than he now generally pays, because the rents of the good lands you yourself say are more than one-fourth over Sir Richard Griffith's valuation, though in other cases they are under it?

No, I do not ask for any enactment that would give land to the tenants at much less rents than they are now paying for them. I ask only that tenants should, as a general rule, have the land at a fourth more than our poor-rate valuation, but in any case when that was not deemed fair, either by the landlord or the tenant, I would give the power of appeal to some impartial tribunal that would adjust the value between them.

1621. You are acquainted, I dare say, with a good deal of bad land as well as good land in the county of Cork?

I am with a great deal indeed.

1622. Has not your experience taught you to think that Sir Richard Griffith's

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Griffith's valuation approaches very nearly to the fair letting value of bad land?
Yes, that is my experience.

1623. Then if we get the bad lands rated comparatively high, so that the tenant, if he was raised to one-fourth more, would suffer very much, and the good lands rated by Sir Richard Griffith comparatively low, so that the landlord would lose very much by putting the rents down to that figure; you would have a great deal of land which you would have to subject to this new tribunal?
I do not think, that practically, any very great deal of land would come under it, but even though it did, I should not see any great objection to it. An impartial tribunal might be trusted.

1624. Lord *Clarendon.*] You said just now that you thought the leases in Ireland ought to be for 60 years?
Yes.

1625. You are probably aware that the usual length of leases of agricultural land in England is for 7, 14, or 21 years, and that the tenants are perfectly satisfied, and that in Scotland 19 years is nearly the maximum term for a lease. What is your reason for thinking that a lease in Ireland ought to be three times as long as in either of these countries?
In England so far as I can learn from personal experience and otherwise, the farmer gets his farm with the farm buildings and drainage, and nearly everything of that sort, done for him; in Ireland the case is quite the reverse; it appears to me that that makes all the difference in the world. It is just like this; suppose any man offers me a house in good order, nicely painted and papered and so on, it is quite alike to me whether I take that house for a year or for 10 years, or for 20 years, provided the landlord undertakes to do anything that is necessary in the way of repairs; but suppose on the other hand, that the landlord gives me a house that is only half built, and tells me I am to improve that house and to complete it, and at the same time he is to have the power of turning me out of the house at any time he likes; in the one case, which I take it is the case of the English farmer, I should be extremely well off; in the latter case, I should be an extremely imprudent person indeed if I took the house under those circumstances. I should not, in the latter case, take the house unless I got a sufficient tenure of it to enable me to enjoy the improvements I might make in it, or, on the other hand, unless there was some arrangement made by which the landlord, in case he evicted me prematurely, would compensate me for the improvements I had made.

1626. In the first place, you are under a mistake, I think in England, although the landlord does certainly provide a certain amount of buildings, and does a certain amount of draining, the tenant constantly shares it with him, and pays more rent in consideration of what the landlord has done; but in Scotland the farmer does it altogether, and he considers himself perfectly recouped by a lease of 19 years, and the landlord does nothing for him; why is the lease to be three times as long in Ireland?
I was unaware that in Scotland the erection of a farm steading was thrown upon a tenant on a 19 years' lease. I may say that a Scotch farmer came over to me within the last three months, who was anxious to take a farm in Cork County, and he declared to me that no prudent man would take a farm on the terms on which farms in most cases were to be had in the county of Cork. He assured me (he may have misinformed me or not) that in Scotland, as a rule, the farm steadings were provided by the landlord in cases where there was only a short lease of 19 years or so.

1627. Earl *Grey.*] But the draining in Scotland, you are aware, is almost entirely done by the tenants?
So I am informed.

1628. Earl of *Clarendon.*] On a 19 years' lease?
Yes; that appears to me quite reasonable; I think 19 years is quite enough for drainage.

1629. What is a 60 years' lease necessary for?
The buildings.

1630. What

1630. What are the sizes of the farms which you are alluding to, and with which you are principally concerned?
They vary much; they vary from 20 acres up to 300.

1631. You would not consider that merely for the putting up of farm steadings upon a farm of 100 acres an extent of 40 years' more lease would be necessary?
I think that for any substantial building at least 60 years is necessary before the builder can get the value out of it. I know in legal affairs we generally call 90 years for a building lease.

1632. Earl *Grey*.] Does not that entirely depend upon the amount of the rent that is charged for the land; if the land is put at a sufficiently low rent, 19 years may afford an ample compensation for the improvements effected upon it?
No doubt it would, unless these improvements were of a very substantial character.

1633. If they were ever so substantial, is not it quite possible that in making the arrangements with a tenant I may agree with him that he is to execute certain improvements, in consideration of which improvements he gets the land at a lower rent than he would otherwise; it entirely depends upon the amount of that advantage whether 19 years or 60 years is a sufficient term, does it not?
Quite so.

1634. Earl of *Kimberley*.] Would not an enactment, giving a statutory lease of 60 years to all the tenants in Ireland, entirely put an end to all expenditure for improvements by the owners?
No, quite the contrary.

1635. Will you show in what way it could be the interest of the owner to expend any money in improving a farm which he had parted with for 60 years?
Yes. When I grant leases to persons who pay me rent, I do not think I part with the ownership of the land for ever. I have to guard against various contingencies which may happen, of eviction and otherwise.

1636. Supposing the rent of a farm is fixed for 60 years, then if I spend money upon the farm I cannot get any higher rent; what interest should I have, in those circumstances, to spend money upon improvements?
You make it more secure.

1637. Do you mean to say that any man in his senses would expend money upon land which he had let for 60 years, at a fixed rent?
I can say that in many cases in which farmers have long leases the landlords do most kindly, and as it appears to me most wisely, help them to improve their holdings.

1638. Earl of *Clarendon*.] And get nothing for it?
They get for it the assurance that the tenant will be more able to pay the rent, and also the assurance that, in case of eviction, the land is worth more.

1639. The landlord gives the tenant the money in order that he may get it back again from him?
No, I do not understand it so. He gives it that his property and his tenants may thrive.

1640. You say that he lays out this money upon the farm in order to make the tenant more sure to pay his rent; that is to say, he gives the tenant 50 *l.*, in order to get back 50 *l.* from the tenant?
He does not get back 50 *l.* from him, but he is sure of getting his rent; and I assume that it is to the direct pecuniary advantage of every landlord to have his tenants prosper?

1641. If he parts with his property for 60 years to a tenant, at a moderate rent, is not that giving the tenant sufficient security for his prosperity without giving him a bonus besides?
I think it is; but though it is all I ask for or deem necessary, I am aware, as a matter of fact, that many landlords deem it to be to their own interest to help tenants who have leases; and I am sure they are right in thinking so.

 1642. What

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1642. What length of lease?
I mean long leases.

1643. Sixty years' leases?
Yes.

1644. You mentioned just now that you gave leases; what term have you given them for?
Sixty years' leases, and sometimes 100 years.

1645. Is that on your own property?
On both my own and others.

1646. *Chairman.*] Do you mean that you give an agricultural lease for 100 years?
Yes.

1647. Without any premium paid to the owner?
Without any premium whatever being paid to the owner. I may instance a case, which came into my office a short time ago, of a property which had not been paying the owner. The tenants had been paying very badly, and the owner sold it because it was unremunerative, or nearly so. The new proprietor revised the rents, lowered them in several cases, and gave long leases; and since then the rents have been paid with the exactest promptness, and the property has been highly advantageous to all concerned.

1648. And you think those rents would not have been paid with a moderate length of lease, I mean such as 21 years; do you think that the land would not have let as high, and the rents been as well paid with a 21 years' lease?
I think a 21 years' lease is not sufficient to encourage those more lasting improvements which are necessary for nearly every farm I know.

1649. Earl of *Kimberley.*] Take a farm of 100 acres which requires buildings, and requires draining; it would not be an unfair estimate to say, if the whole required draining, that it could be done for 500*l.*, taking it at 5*l.* an acre; we may add, I suppose, about 300*l.* for the buildings; do you think that that would be sufficient; and supposing the expenditure to be 800*l.*, how many years would it require for a tenant who had expended 800*l.* upon that farm in draining and buildings to be recouped for the money he had expended, with 5 per cent. interest?
I cannot say at the moment; it is a mere matter of calculation.

1650. Do you think it would amount to more than 30 years?
I do not know I could answer it in a few minutes; it is a mere matter of figures.

1651. Do you think it would amount to 60 years?
No.

1652. Then upon what ground would you propose to give a tenant a much longer term than that which is requisite to recoup him for both interest and principal?
On the principle that I should wish to encourage him to improve, and to give him as secure a tenure as occupiers in most other counties have. Beside land is almost infinitely improvable.

1653. If you gave him a tenure which would secure him complete reimbursement of his outlay, with sufficient interest, whatever that may be thought to be, either 5 per cent. or anything else you thought proper, would that not be all the security he could reasonably ask for?
Clearly. If I were aware of any particular case in which that were so, I would give him only that length of lease.

1654. Do you think that in any conceivable case it could require 60 years to reimburse him with any interest which could be regarded as fair?
Yes.

1655. Will you put it upon paper and show it me?
I can do so; and I may mention, as an illustration of it, that we lawyers always think that a building lease is a lease for 99 years.

1656. I refer

1656. I refer to agricultural leases, of course. I do not refer to building leases, properly so called?
A building upon a farm would be as costly and take as long a time to enjoy as another.

1657. *Chairman.*] Did you ever know any of those tenants to whom you had given those leases you have spoken of, or any other tenants who had got a lease of 60 or 100 years, who did lay out on an agricultural farm 800 *l.* within five years after they had got the lease, supposing it to be 100 acres of land?
The cases in which I have given those extended leases are quite recent; they are not five years old; but in each of those cases there has been a considerable expenditure made by the tenant.

1658. What quantity of land is there in any of those leases, may I ask; what is the largest?
One hundred acres in one, and 150 acres in another.

1659. On that 150 acres do you think that within five years from the granting of the lease the tenant will lay out 500 *l.* really *bonâ fide*?
No, I should be rather surprised if he did; all I want from him is a fair rent, and I wish to encourage him as much as possible to make the land his own, so to speak; to make himself feel at home upon it, and feel that he is secure of enjoying the results of his own industry.

1660. What reservations do you put in those leases; do you allow the tenants to sublet?
No.

1661. Do you put any conditions as to farming?
I do.

1662. Do you allow him to assign?
I do not.

1663. Then what happens if that man dies leaving a small family; they, in that case, are not able to sell that lease?
If I permit, or if the landlord permits, they can sell it.

1664. Lord *Meredyth.*] What do you think would be the difference in letting value between a farm of 100 acres unprovided with farm buildings, and undrained, and a farm of 100 acres provided with those buildings and drained; supposing that the 100 acres are worth 1 *l.* an acre, unprovided with buildings, what would they be worth if they had the additional buildings and the drainage?
Really it would be hard to say, so much depends on the character of the land.

1665. We will suppose two farms of 100 acres each, lying together, one provided with these necessary buildings, and the other without; what do you think would be the difference in the letting value?
It is quite impossible to say; sometimes it may be improved to the extent of 3 *l.* or 5 *l.* an acre.

1666. We will say that an outlay of 800 *l.* had been made upon one farm, and not upon the other; what would be the difference in the letting value?
I really cannot say.

1667. Lord *Dunsany.*] Your difficulty is that it would be different upon land of a different value?
Yes.

1668. *Chairman.*] Supposing the land in both cases to be worth 1 *l.* an acre, if 500 *l.* was laid out judiciously, and that 500 *l.* made the one farm in as perfect and improved a condition as possible for the class of tenant that ought to inhabit it, and for the best possible occupation of it, what would be the difference between the two; what rise do you think that the expenditure in the one case ought to bring in the rent?
I am afraid any answer I could give your Lordship would be quite fanciful. I think it would be quite impossible to state the difference.

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1669. Lord *Dunsany*.] Supposing that two farms were originally both worth 20 *s.* an acre, but one has had an expenditure of 800 *l.* upon it, and the other has not, you, as a tenant, are going to take one or the other farm, what difference would you make in your offer?

I fear still I should be unable to state. All depends on local circumstances.

1670. I thought you said you would understand it in that way if a value were put upon the land, because it would differ so much according to the original value of the land?

It helps it very much; but even with that term added, I fear that any answer would be fanciful, and would only deceive your Lordships.

1671. Lord *Meredyth*.] You do not think that if 800 *l.* has been expended upon the drainage and farm buildings, at all events the land would be increased to the value of the interest of that 800 *l.*?

I think in some cases it would be more, and in some cases less.

1672. Marquis of *Bath*.] If the land is not increased in value, at any rate to the value of the interest of the money laid out upon it, it is not worth laying that money out upon it, is it?

No doubt it is not.

1673. Lord *Meredyth*.] On a farm of 100 acres an outlay of 800 *l.*, at 6 per cent., would come to 48 *l.* a-year, would it not?

Yes.

1674. We will call it 50 *l.*, in round numbers; a landlord would get for one farm 100 *l.* a-year, and the other farm, together with its improvements, is worth 150 *l.*; but of that farm he gives a lease of 60 years, supposing the tenant to have made the improvements instead of the landlord; what amount then, in 60 years, would the tenant save in rent; I suppose he would save in rent, in 60 years, a sum of 3,000 *l.*; do you think that that would repay him for his outlay?

I should say so.

1675. You said you knew some old leases, about you, of 65 or 60 years, did you not?

I do know old leases, as a matter of fact, though I do not think I alluded to it before.

1676. Of 60 years?

Of 60 years.

1677. Upon those leases of 60 years have those improvements of buildings and drainage been made which you think would be made if a system of 60 years' leases were to be the rule in future?

In some cases they have, in other cases they have not, because there was no clause in those leases against subdivision, and the lands were subdivided and sublet, and thus injury was caused by the long lease instead of advantage.

1678. In every case of a long lease which you know of, have they been subdivided?

No.

1679. Generally speaking, do you think that the improvement has been as great, or greater, in the case of those long leases than in the short ones?

If I compare the long leases with a mere occupancy from year to year, I say, that even taking into account all the disadvantages of subletting, disadvantages which are very great, and which I would prevent, lands which have been let by a long lease are decidedly better, and have been better cultivated, than those which have been held from year to year.

1680. *Chairman*.] Why, in a lease of 100 years, would you put in a clause against subletting?

Because I should fear that, if that were not done, the farmer would so divide his land as to be unable to pay his rent.

1681. Why?

1681. Why?
Because he would have too many people on it.

1682. You think he certainly would sublet if you did not prevent him?
I think he would sublet.

1683. Earl of *Lucan.*] He would become a middleman?
Yes, probably.

1684. And cease to be a farmer altogether?
Yes, possibly. Much as I am in favour of long leases, I am equally opposed to subletting without the permission of the landlord, and to the creation of middlemen.

1685. *Chairman.*] You think, then, that the consolidation of farms is desirable?
A certain amount of consolidation, but it should be very cautiously done; it should be done so as not to deal harshly or unkindly with those people who are on the land, who, though it may be inconvenient to have them there, are there, and being there, ought to be dealt with considerately and kindly.

1686. If you prevented the tenant from subletting at all, and carried on that system to any great extent, how do you anticipate an increasing population to be provided for?
In various ways. In the first place, a kind-hearted landlord, and I may say that nearly every landlord whom I know is kind-hearted, would give a tenant power to sublet in proper cases; and also, I think, that when the tenants are comfortable, when the peasantry is prosperous, other occupations spring up quite naturally, as they have done in the north, and as they have done in other countries, in Belgium, for instance, which would supply the surplus population.

1687. By a subdivision of the land?
Partly by a proper subdivision of the land, with the assent of the landlord, but chiefly by the other occupations I mentioned; occupations in manufacture, I mean.

1688. Would you allow those tenants to whom the land is sublet again to sublet their land?
No.

1689. Would you allow them to have the same extent of lease that the first tenant had?
Yes.

1690. With an increased rent?
No, I would not contemplate that there would be any increase of rent.

1691. Earl *Grey.*] Do you mean that landlords should be required to give to their existing tenants leases for 60 years?
I do.

1692. That they should be compelled to do so?
Yes.

1693. And that for the purpose of enabling those tenants to make improvements which you think they would not otherwise execute?
Yes.

1694. Are you aware that, in the natural course of events, land rises in value without respect to improvements?
I am.

1695. That in the last 60 years land in this county has risen very largely in value?
I am.

1696. Do you think it is just to the landlord to require him to give up the land for the long term of 60 years to the tenants, without getting any advantage

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from the natural increase in the value of land, and without any certainty that those improvements will be executed?

No.

1697. Would it not be practicable to accomplish your object of improving the land equally, by allowing the landlord and tenant, by mutual agreement, under the laws which have been passed for that purpose, to borrow money for the execution of those improvements, repayable by annuity in a given number of years?

No. With regard to your Lordship's previous question, I should like to add to my answer that I do not think it would be fair that the landlord should not have the advantage of any natural increase in the value of land, and in order to guard against that evil, as I mentioned just now, I should be in favour of allowing either party to have a revision of the rent at certain periods, suppose 10 or 20 years.

1698. Would not that lead to great uncertainty between the parties?

No further than this, that each party would be certain, the one that he would never have to pay more than a just rent, and the other that he would always receive a just rent.

1699. Is not it the fact that wool and cattle, and other things, have risen very greatly in value in the last 20 years?

It is.

1700. And that, in consequence of those prices rising, farms in England and Scotland are letting at from 50 to 100 per cent. more than they were?

Yes.

1701. But on wild land no improvement has resulted?

Yes.

1702. Is it possible to distinguish on a long term of 60 years, when a rise in the value of land takes place, how much of that rise is due to the natural progress of the country, and how much to improvements effected by the tenant?

I think it would be quite possible for a valuator to estimate whether within a given period of years there had been a rise in the prices of certain specified articles of produce, and, if the rise were very considerable, to alter the rent justly in proportion to that rise.

1703. But do you not think that it would be much more likely to produce ill feeling and litigation between the parties, if they were compelled to make agreements of this kind, which would require continual revision by some public authority, than if they were left to settle the matter by fair agreement between themselves without interference from the State?

We have been trying the other system very long, and the results have been very unfavourable; I should be of opinion that it would guard against quarrels between landlord and tenant, which I deprecate most thoroughly, if any dispute that may arise as regards the fairness of a certain rent should be decided once for all by some impartial authority appointed by the Government.

1704. But have you, as yet, ever tried a system of placing the landlords and tenants in a situation in which they could easily make those agreements between themselves; is the law at present in a state which does give those facilities?

Certainly as regards the mere letting of land, the law at present does permit the landlord and tenant to agree with great facility to make any agreement they like; but unfortunately, as was urged by the "Times" some time ago, one party is free and the other is not.

1705. But is not the law at present in a very complicated state, and in some respects in a very uncertain state?

It is more complicated than I should wish it to be.

1706. Are there not constructive agreements between the parties sometimes, making it very difficult to determine what they are bound to?

There are.

1707. Does not the present state of the law favour a state of things in which the landlords and tenants do not reduce their agreements to writing?
That is true.

1708. And does not that lead, after a series of years, to great doubt and litigation between them?
Quite so.

1709. You have not, therefore, hitherto had the advantage of a state of the law in which landlords and tenants could, by mutual agreement, readily and easily adjust all those matters between them by a fair bargain?
I think there has been no substantial difficulty about landlords and tenants regulating their arrangements by fair bargains, but I quite agree with, and approve of, the arrangements made by the Bill now before your Lordships for facilitating agreements. I think it would be, so far as it goes, a very great and very important improvement, but still I maintain that in Ireland, substantially, that power has always existed.

1710. I wish to ask you whether you think that a compulsory system of very long leases, liable to be varied by a public authority when circumstances made it necessary, would be equally likely to lead to a good understanding as leaving the parties to come to agreements between themselves?
I think far more so.

1711. I think you have distinctly admitted that those long leases would require to be varied under certain circumstances by some public authority?
No doubt.

1712. Would it not be a very great power to give to any such authority, that he was to look into all the circumstances of the case to consider how far the tenant had been industrious and prudent, or the reverse, and then to say how much the rent was to be raised?
I do not think he would have to consider the industry of the tenant or the reverse; he would have to consider, in my point of view, only what external circumstances had occurred within that period which would render it advisable to have the rent increased.

1713. Might not this case arise, that a particular farm was not found to have risen in value in the same proportion as the rest of the farms in the country, and that that was owing to a want of exertion either of skill or of industry on the part of the tenant; in that case is the landlord to suffer for it?
No; the tenant should suffer for it.

1714. Then your public authority must hold a sort of court to try how far the tenant had made a good use of the power which he enjoyed under his lease?
No; I would not contemplate that at all; the only thing I would contemplate would be that he should have to consider what circumstances external to that particular tenancy altogether would render it advisable to have an increased rent.

1715. *Chairman.*] What conditions, if any, do you put in your long leases, or what conditions would you put in those long leases, which you propose, regarding waste and deterioration of land or dilapidation?
I have guarded against that in the most stringent manner.

1716. And you think that you would be able to enforce those conditions?
Certainly.

1717. Has not your experience as a lawyer shown you that the landlord has now very often very great difficulties in enforcing the conditions of a lease?
I think the landlords have often been over-indulgent.

1718. But even if they try to enforce the conditions of a lease, or an agreement which has been made, do they not, in the present state of the law, find that extremely difficult?

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As a lawyer, I think there is no substantial difficulty, in a clear case of waste, in making an occupier or tenant answerable for it.

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1719. I meant my question to go beyond the mere matter of waste; supposing you put into a lease a condition that a man shall erect a good dwelling-house and build certain other buildings, which you may specify, if he fails in that, having a long lease, do you, as a lawyer, think that, under the present law, you could really force him to erect them or break his lease?
Clearly.

1720. I mean, if a covenant of forfeiture was not clearly expressed?
I would express it, and I do.

1721. You do it by a covenant of forfeiture in the lease?
Yes.

1722. Lord *Meredyth.*] Would not that be thought a great hardship?
No.

1723. Do you not think that you would be considered a great exterminator if you did that?
No.

1724. Do you think it would be safe to do it?
Yes, I think justice, in the long run, is the true safety.

1725. In the short run?
Yes, even in the short run.

1726. *Chairman.*] You said that in the present state of the law with regard to matters of agreement and lease, one party was left free; which party did you mean?
I mean the landlord.

1727. Practically, is it your opinion that a lease is as good against a tenant as it is against the landlord in Ireland, and is it so regarded?
No. I meant to express, that in the bargaining that takes place previous to a tenancy between the farmer and the landlord, or his agent, the landlord of course is free; he can give his land to whomsoever he likes; the tenant in most cases is not free, he must take the land at almost any rent, or under almost any conditions that are imposed upon him.

1728. Looking to the present condition of emigration and to the facilities for the removal from one place to another, and the prices for labour in the different parts of the world, do you continue of that opinion, which would have been one that could hardly have been challenged some 30 or 40 years ago; do you think that that opinion applies to the present state of affairs?
I do. I think that the farmer at present has his option of either acceding to the terms that are offered to him, or of going away altogether.

1729. Surely, if that is a hardship, you would imply that the possession of land in Ireland is the best thing that can happen to a farmer; is that your opinion?
I think that expatriation is a hard penalty.

1730. Lord *Meredyth.*] Would you take Ireland as it now stands, in point of tenancy, and give a 60 years' lease to every present occupier?
To every agricultural occupier I should be disposed to do so.

1731. *Chairman.*] Without any restriction as to the size of the holding?
No; I should make some restriction as to the size of the holding; I would not give it to a very small occupier, perhaps.

1732. Lord *Dunsany.*] And without any restriction also as to the past history of the tenant, as to whether he had been industrious, or the reverse?
I would give every man a chance. I think the future should stand by itself. If he paid his rent he should continue to hold, if not I would evict him.

1733. Lord *Meredyth.*] You must have seen numbers of instances where the tenant pays his rent, but where, at the same time, he is reducing your land to a *caput mortuum* under your eyes; would you continue such a man in possession of the land for 60 years?
Certainly not.

1734. What would you do then?
I would evict him.

1735. There you become an exterminator again?
All I would give a tenant is justice.

1736. Do you think that it would be a safe thing to evict every man who did not improve his holding, or who, in the Irish phrase, is "disimproving" his land. You must see numberless instances of that round you in the county of Cork. In the case of a man who was "disimproving" his land, though he was paying his rent, would you continue him in the occupation of the farm for 60 years?
I would not.

1737. Would you evict him?
I would; that is to say, in flagrant cases.

1738. *Chairman.*] You would evict him, necessarily, previous to passing your general law for leases of 60 years?
No; I am assuming that he has a lease. I am assuming that after getting the lease he injures the land. If there were a flagrant case of injury of that kind I should evict the tenant.

1739. Lord *Meredyth.*] Do you not think that you would be the greatest exterminator that ever appeared in Ireland?
No, I do not. I think, when security is given, evictions would almost cease.

1740. Earl of *Lucan.*] If I understand you rightly, your object in giving 60 years is not solely for the improvement of the land?
It is chiefly for the improvement of the land.

1741. Are you of opinion that where there are sufficient buildings on a farm, and where the farm is in a fair condition, it would be advisable to give a 60-years' tenure?
I am.

1742. Then, in point of fact, it is not so much for improvement as for fixity of tenure that you propose to give it?
It is chiefly for the purpose of improvement. I know hardly any farm that does not require most extensive improvement.

1743. I am mentioning a farm where there are sufficient buildings, and which is in fair condition; in that case would you give a 60-years' lease?
I would.

1744. In point of fact, if I understand you rightly, you would convert the landlord into a rent-charger; is not that your object?
No.

1745. Would not that be the effect of your 60 years' lease?
I would give the landlord all that he requires, or that he ought to require, unless he actually farms the land himself; namely, a fair rent for it, and a security that it would not be abused by the tenant.

1746. Is not that making him a rent-charger?
I do not quarrel about words.

1747. Would it not have the effect of depriving the landlord of all interest in his estate?
No.

1748. You really think it would not?
It would not.

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1749. You talked very much just now of the expatriation of the tenants, did you not?

In answer just now to a noble Lord, I spoke of it once.

1750. I suppose for that you would substitute the expatriation of the landlord, would you not?

No, I almost always have looked at the matter from a landlord's point of view, and from that point of view I see no hardship whatever in compelling a bad landlord to do that which every good landlord does as a matter of course; namely, to guard against arbitrary or unjust eviction.

1751. If you would deprive the landlord of interest in his estate, would not that encourage absenteeism?

I do not think it would deprive him of interest in his estate; I know that those landlords who have let their lands on long leases, do not think that they are deprived of all interest in their estates; on the contrary, I should say that they ought to have more interest in an estate where their tenants are happy and flourishing, than in an estate where all the tenants are absolutely dependent upon the will of the landlord.

1752. Do you think that it would be for the interest of the remainder-man that the land should be let for 60 years?

Clearly; I think that it would be the greatest mistake possible, financially, for the landlords not to be let on long terms. I think, as a lawyer, and as one who has had some practice in the sale and purchase of estates, that those estates on which the occupiers have had long leases and interests under those leases, sell for five years or ten years' purchase more than those on which they merely occupy from year to year, and have no interest. I hold, therefore, that the landlord, financially, is a serious loser by the present system.

1753. Do you not think that in the case of an absentee landlord, and what sometimes happens, a neglectful agent, the interest of the remainder-man would be seriously compromised with a 60 years' lease?

Of course, you cannot guard against neglect under any circumstances, but under ordinary circumstances I consider that the interest of the remainder-man would be served; for instance, I believe I am right in saying that in the north of Ireland where tenant right exists, which is practically a rough sort of substitute for a lease, the lands sell for some 10 years' purchase more than they sell for in the other parts of Ireland where there is no security of tenure.

1754. Surely it would be a serious penalty for the remainder-man to pay for 60 years, or for a large part of 60 years, for the neglect of his predecessor?

I think, under any circumstances, every remainder-man is dependent to a great extent on his predecessor's good management and prudence.

1755. Lord *Meredyth.*] To return to the question which I was putting to you at the point where we left it before you carried out this operation of giving a 60 years' lease to every occupier in Ireland, who would you make the judge as to who was an improving and who was a disimproving tenant?

As I explained just now, in answer to an inquiry made by another noble Lord, I should be disposed to give to every tenant a chance.

1756. *Chairman.*] Good or bad?

Yes; good or bad.

1757. Lord *Meredyth.*] You told me that you would evict a disimproving tenant?

Yes, I would first see whether he was disimproving or not; I would give him a chance.

1758. That is sufficiently proved now; when you look at his farm you know very well that that farm is in a worse state than when he got it. You told me that you would not give that man a lease of 60 years, but that you would evict him?

No; I said I would give him a chance; I would give him the stimulus of a long term, and if I found that that would not succeed I would evict him.

1759. *Chairman.*]

1759. *Chairman.*] How long would you give him a chance for what would be his first chance; how soon would you think it necessary to judge of his quality?

Very much would depend upon individual cases; it would be very hard to answer that question.

1760. Supposing you gave a 60 years' lease to a bad tenant, might he not in three years leave your land so that it would not be worth half what it is worth now?

Clearly; if I saw any flagrant violation of justice of that kind going on, I would stop it at once.

1761. How would you stop it?

By eviction.

1762. How could you evict the tenant if you had given him a 60 years' lease?

But the lease should contain a clause for eviction; under such cases the lease would become void.

1763. By what tribunal would you have that judged?

By the ordinary courts of the country.

1764. Do you mean the superior courts, or the quarter sessions?

Either, as the case may be.

1765. Lord *Meredyth.*] As a matter of common ordinary prudence, either in your own case, or if you were to advise a friend, would you recommend him to give a bad tenant, who had reduced your land to such a condition that it was worth nothing, though he had paid his rent, a lease for 60 years; would you think that an ordinarily prudent thing to do?

No, I would not; but in making laws, I presume you cannot deal with every particular instance.

1766. Would that be a very uncommon case in Ireland?

On the whole, I should be disposed to think that the stimulus of security of tenure, which has never yet been given to the farmers of Ireland, would be worth trying. Every other occupier in the world has it except the Irish farmer.

1767. *Chairman.*] Do you mean to say, as a matter of fact, that it has not been tried?

As a general rule, and as a matter of fact, the occupiers in Ireland hold only from year to year, and therefore have not the stimulus which a long term would give them.

1768. Are you not aware that late in the last century, and for several years about that time, it was the habit of landlords to give very long leases to persons whom they expected would be yeomen, and would cultivate their land in the best possible manner?

I am; and I believe in some cases that that has turned out very well, although in a great many other cases it has turned out ill, on account of the fact of lands being sublet, and the original tenants becoming mere middlemen.

1769. Then you think that if those persons had been prevented from subletting, it would have answered?

From unwisely subletting.

1770. Who is to judge of that?

The landlord.

1771. What object could the landlord have in allowing his tenant to sublet at all; if the rent was to remain the same, and what he wanted was a large farmer when he let his lands, what object could he ever have in allowing the tenant to sublet?

I assume that he would not allow him to do so, unless a strong case of humanity or prudence occurred.

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1772. Do you think that a landlord would ever allow his land to be sublet for humanity?
I do.

1773. Do you think it would be wise to do so?
I say where it would be wise, and at the same time humane, the landlord would allow it.

1774. Do you think that there are such cases in dealing with land?
Clearly. I can imagine a case where a man may have two sons, or where he may have one son, and may wish to have a part of the land let or subdivided; and I can imagine that if a fair case of that sort were made to a just landlord, the landlord would very readily assent to the subdivision.

1775. Then in a few years' time it may be that those sons would have sons again, and so it would go on; that would bring us to the state of things which you think has had deplorable results?
I think whenever it was going too far, and whenever it would be unwise to sublet, the landlord would always have the power of preventing it.

1776. Supposing it would be the most wise course to let a tract of land in lots of 50 acres, how could it ever become wise to let it in lots of 25 acres, in the lapse of years, unless something very extraordinary happened in the meanwhile?
I do not think it would be wise.

1777. If the practice of giving long leases without any restriction upon subletting, which was in existence about 80 or 100 years ago, had not been adhered to, there never could have been 8,000,000 of people in Ireland?
So much the better for us.

1778. Earl of *Clarendon*.] I do not quite like to pass by what you said just now, that every occupier in every country, meaning, I suppose, England, Scotland, and Wales, has security of tenure, excepting in Ireland?
Clearly, in every civilised country that I have any acquaintance with, the occupying tenant has some security.

1779. Are you aware that in the greater part of England land is not held on lease, but by yearly tenancy only, which I suppose you do not call security?
I endeavoured to explain before, that I think the state of agricultural affairs in England is itself exceptional, and is not a very advisable or excellent one; but it is infinitely better than the condition of the Irish tenant, because, as I explained a while ago, the English tenant has a farm-house built for him, and nearly all improvements made for him.

1780. We will not go into that question now; you stated that every occupier of land had security of tenure in every country except in Ireland. Now, you would not call a tenancy from year to year security, I suppose?
If you wish, I would qualify what I said in this way: I would say that in every civilised country I am aware of, where the farmer was expected to make improvements he had security of tenure.

1781. Lord *Meredyth*.] You mentioned Belgium?
Yes.

1782. Do you know the ordinary length of a lease in Belgium?
I do.

1783. What is it?
In a large part of Belgium there are no leases at all; the occupiers are the owners of the land, and in that part of Belgium, where the occupiers are the owners, things are very flourishing. In another part of Belgium the farms are supplied with all that is necessary for occupation, and they are let on short leases, on leases for nine or ten years; and in that part of Belgium there is great misery and agricultural distress.

1784. *Chairman*.] What is the law with regard to succession to real property in the part of Belgium where there are small proprietors?
I am not aware exactly how it is in Belgium; I know that in France, when a tenant dies, each of his children is entitled to a portion.

1785. Lord

1785. Lord *Dunsany.*] You have very clearly explained your own view on tenure; we should all like to know whether that might be considered an authentic statement of the views of those gentlemen who are generally considered the tenant-right farmers?

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As I am not a member of that party, that I can hardly say.

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to Monday next, at One o'clock.

Die Lunæ, 15° *Julii*, 1867.

PRESENT:

Duke of DEVONSHIRE.	Earl of KIMBERLEY.
Marquess of BATH.	Lord DUNSANY.
Earl of LUCAN.	Lord SOMERHILL.
Earl of ROSSE.	Lord CHURSTON.
Earl GREY.	Lord MEREDYTH.

THE RIGHT HONOURABLE THE LORD SOMERHILL, IN THE CHAIR.

MR. JOHN GEORGE MACCARTHY, is called in; and further Examined, as follows:

1786. *Chairman.*] HAVE you had an opportunity of seeing and revising your evidence since you were here?

I have had an opportunity of seeing, but not, as yet, of revising it.

1787. Are there any points of that evidence which you would wish to modify, alter, or explain?

Yes, with your Lordship's kind permission.

1788. Will you have the goodness to state to the Committee what they are?

There are some verbal inaccuracies, which I suppose I may alter in the proof, and hand over to the printer; but there are three modifications of a more substantial character which I should like to state to your Lordships. In the first place, I was asked by a noble Lord if the arrangement I advocated would not reduce the landlord to the condition of a mere rent-charger. I inaccurately answered that that was only a question of name. I wish to withdraw that answer. I should have remembered, as a lawyer, that, both in point of name and in point of fact, the two things are quite different. A rent-charger is one who has only an annuity charged on land, and who has no privity of tenure with the occupier; but under the proposed arrangement a landlord would continue to have every right which he has at present except the rights (if such they can be called) of exacting an exorbitant rent, or of evicting without just cause. These are the only things which I propose to take away from him; I propose to leave him everything but these; I propose to secure to him his full rent; I propose to secure to him prompt payment of that rent; I propose to secure to him the advantage of any increase in the value of the property which may arise from any accidental cause; I propose to secure to him that his tenants shall cultivate the land properly; I propose to secure to him that there shall be no improper subletting or subdivision. In fact, I secure him full possession of all rank, wealth, privileges, and incidents of ownership; everything, except the power of evicting without a just cause; and I propose to take that away for three reasons: first, because to a good landlord it is of no value whatever; a good landlord never unjustly or improperly evicts. Seecondly, because that power, being useless as regards the landlords, is most injurious as regards the occupying tenant; it keeps perpetually hanging over him the sword (if I may so say) of eviction, and takes away from him the security which is essential for the carrying on, under proper conditions, of any industry. I propose to take it away, thirdly, because it is of advantage to the whole community to give to the agricultural occupier the security which is necessary for the proper advancement of any industry. In Ireland, where we have scarcely anything to live on except

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agricultural produce, it is suicidal to take away from the cultivator every inducement to increase that produce. And for other reasons it is most perilous to let the peasant know that, while the law protects the rich man's property, it has no protection for the proceeds of the poor man's industry.

1789. Lord *Meredyth.*] Do you propose to take away from the landlord the power of arranging his rent with his tenant?

So far only as is necessary to prevent an unjust landlord exacting an exorbitant rent; but I say that this is not taking away anything substantial from a good landlord, because the only proper object of an arrangement with his tenant is to secure for himself a just rent. The power to exact an unfair rent is either useless or mischievous.

1790. Do you think so? Is there nothing in the management of property, in the mutual confidence between landlord and tenant, in the interest which the landlord must have in his estate; is not, in fact, the taking away from him the arrangement of the rent between himself and his tenant, taking away from him the great interest which he has in his estate?

I should hope it is not necessary, in order to give a landlord an interest in his estate, to give him the power of requiring any more rent than is just and fair, or to keep his tenants in the condition of serfs. I think too well of Irish landlords to imagine anything so uncomplimentary; but if it were indeed so, then the whim of the few should give way to the interests of all.

1791. Then would you extend that system to England and Scotland?

I am not prepared now for any examination as regards England and Scotland.

1792. But is there any particular reason why you should apply it especially to Ireland, and not to England and Scotland?

Yes. In England and Scotland there is no necessity for it, inasmuch as the relations of landlord and tenant are on a basis which, though not the very best, is still one which answers fairly enough. In Ireland the basis on which those arrangements subsist is quite different, and has worked very badly.

1793. In what way is it different?

In this way: that in England the landlord provides farm steadings, fences, drainage, and all the substantial improvements which are needed for the farm. In Ireland the tenant is expected to do nearly all this, or to leave it undone. Again, there is a custom in most parts of England, as I understand, which entitles the tenant to the value of certain improvements. In Ireland there is no such custom. In England the tenant is free; he can accept the terms offered him, or decline them, because he has other things to turn to. In Ireland, which is a purely agricultural country, the tenant has not, as the "Times" admits, "the shadow of the character of a voluntary contractor." Finally, in England, there is a custom under which a tenant, provided he pays his rent, is hardly ever disturbed. In Ireland, unfortunately, it is not so.

1794. Is it your experience, that in Ireland a tenant who pays his rent is disturbed?

My experience is, that where a tenant pays a fair rent in Ireland, he is rarely disturbed; that, on the whole, the Irish landlords, so far as intention goes, act very fairly towards their tenants; but that the system is a bad one, inasmuch as it keeps perpetually suspended over the tenant's head the danger of being arbitrarily evicted, or his rent arbitrarily raised. Thus, though I may be quite content to trust all I have in the world to your Lordship's honour, I cannot say who may come after you, and I am not in an advantageous position, if I am utterly dependent for everything which I have on the chance of what your successor may choose to do with me. No industry can thrive under such conditions. Again, when occasional unjust evictions or confiscations take place, all tremble, because no one knows but that the lot of ruin may fall on him.

1795. But may not an English tenant say the same?

No; an English tenant is something like a person who takes a house which is well finished and supplied with all that is necessary. It is quite indifferent to him whether he is turned out in a year, or in 10 years; but an Irish tenant is like a man who takes a house, not only unfinished but half built, and is told that if he is to live in it all, he must finish it, and that his expenditure is entirely at the mercy of the honour of the landlord. No doubt, as I submit, and

as

as I stated in the strongest manner, that honour is generally reliable; that is to say, that it rarely occurs that a landlord takes advantage of the helplessness of his tenant; but occasionally such things do occur. I have some very strong instances in my mind just now in which they have occurred, and the occurrence of any one instance of that sort evinces the utter uncertainty and precariousness of the tenure under which an Irish tenant holds, and which thus renders his whole position insecure and unfavourable for industrial purposes.

1796. But as regards those questions of buildings and offices and accommodations to the tenant, which you have just described, and as to which you draw such a distinction between England and Ireland, is not the rent in both countries regulated accordingly; if a tenant in Ireland takes land without any of those conveniences upon it, and a tenant in England takes land with them, does not the English tenant pay more rent than the Irish tenant?

As a general rule I should say not. In my own experience English tenants coming over to take land in the County of Cork object to the disproportionately high rents which they are asked to pay, and chiefly because those improvements, of which I speak (but which really ought not to be called improvements, as they are only what are necessary for the proper working of the farm), are not done, English farmers laugh at the folly of the Irish farmers taking land on such conditions.

1797. Are you acquainted with the agriculture of England generally, or do you know the rents which are paid here?

I have some experience of the state of agricultural rents in Hampshire and Dorsetshire. Those are the only English counties with which I am personally acquainted, but I know others by repute.

1798. Do you think that rents in Ireland are generally higher than rents in England?

I cannot say how they may be in England generally, but I can say that rents in the county of Cork, taking into account the condition of the farms, are decidedly higher than the rents in Hampshire and Dorsetshire, taking into account the condition of the farms there.

1799. What do you suppose would be the average rent paid in the county of Cork?

As on a former occasion, I feel that answering any question of that sort is very difficult, and the answer may only lead your Lordships astray. Nothing would be more easy than a flippant generalisation, but nothing would be more unreliable.

1800. But you must have formed some opinion upon the point, in order to make the comparison which you have just now given us, must you not?

No doubt; but it depends upon circumstances. Assuming that a farm in Hampshire was near a farm in the county of Cork, the clear impression left on my mind, both from my own experience and from what I have heard from others is, that the farm in Hampshire would, taking into account its condition, have less rent asked for it than a farm in the county of Cork, taking into account its condition.

1801. You cannot then give me any idea as to the probable acreable letting in the county of Cork?

It varies from 10*s.* to 5*l.*; I have myself let land at 10*s.*, and I have let land at 5*l.* per acre, both within a short walk of the City of Cork.

1802. What would be the general letting value of moderate land, land of middling quality, in the county of Cork?

Really I am afraid any answer I might give of that sort would only lead your Lordships astray; one man might say one thing, and one another.

1803. Still we must have some standard of value, in order to judge the difference of rental between the two counties. Which do you think is the superior land of the two, generally speaking, Hampshire or Cork?

I should say there is land as bad in Hampshire as in the county of Cork, and land as good in Hampshire as in the county of Cork.

1804. *Chairman.*] Do you think that the land is as good in Hampshire as in the county of Cork?

Yes.

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1805. To which part of Hampshire do you refer, exclusive of Water Meadows? Near Christchurch.

1806. Is that as good as the rich lands in the county of Cork?
I have seen land in the neighbourhood of Christchurch which appears to me to be as good land as I can remember in the county of Cork.

1807. Exclusive of Water Meadows?
Yes.

1808. You have talked of the Irish tenant having a sword over his head, which would prevent his laying out money in improvements. As a matter of fact, do the Irish tenants, as a rule, go into a farm with much capital in their pockets?
No; but a man goes in with what is the real capital of the farm, his own industry; and he is often afraid to expend that on the land. I may add, in further illustration, that a considerable part of my practice as a solicitor consists in the loan of money on mortgage, and I have constantly been asked by farmers to invest money for them on mortgage. They have told me as a matter of great secrecy, that they had saved certain sums of money, and that they were afraid to invest these monies on their farms, inasmuch as they had no hold, as they expressed it, of the land; and they requested me to try and find some place where it would be safe; they also assured me that they were afraid to let the landlord or the agent know that they had it. They were afraid not only to invest it, as it ought to be invested on their farms, but actually to let it be known that they had it, or even to wear good clothes, or to assume other appearances of comfort, which, under a better state of things, they would have done. Moreover, we know from bank returns that Irish farmers have actually seventeen millions sterling lying almost unproductive in banks.

1809. But was not most of that money, if not all of that money, made by farming?
Yes.

1810. Therefore those people were not in such a very bad condition?
In so far as they were able at one time to make money, their condition was good; but their condition was bad, in so far as they were unable to expend that money in the advancement of their proper industry, and were even afraid to show that they had it. And the state of the law is perilously bad which thus injures landlords and tenants, the land, and the whole community.

1811. Lord *Meredyth.*] Do you really think that there was the slightest foundation for such a fear?
I do most sincerely; and I am quite certain that, in many cases, it would be highly imprudent for a tenant holding his land at will, to let the agent for this property know that he was worth a thousand pounds, and had saved it from the proceeds of his agriculture. His rent might be raised or some fine required.

1812. You really think so?
Most certainly; I am cognisant now of one instance in the County of Cork, in which a proprietor on whose estate the tenants had held for many years, from year to year, but at rents which were very moderate, and under which they were able to lay by monies, has, within the last few months, as I am informed, announced through his agent to his tenantry, that he is in want of a very considerable sum of money, amounting to several thousand pounds; that the tenants if they raise this money for him can have leases and thus a secure tenure of their lands; but that if they do not——well, I must in fairness say, the alternative is not expressed very plainly, but, as I am told, it is implied; at least the tenants conceive that the alternative is very clearly implied. And not only is that so, but the agent of this landlord has required that he himself shall get a bonus upon every lease so given; so that you have both landlord and agent levying, if I may use a strong phrase, "black mail" upon the tenants.

1813. *Chairman.*] But with regard to those tenants having money, do you think that the landlords of Ireland, as a general rule, are sorry to know that their tenants have money?
No; I think they wish their tenants to thrive; but they violate the politico-economic laws which render real and permanent property possible.

1814. Do you think they are more likely to turn out a solvent tenant, who pays his rent, and who is called, in the language of the country, a "good mark" for the rent?

No, I believe they are extremely anxious to get and to keep tenants whom they know to have money; but I think that the uncertainty of the tenure under which the tenant holds, gives his position altogether a condition of precariousness which is utterly unfavourable to industry, and offers the temptation to occasional landlords, in instances that are very exceptional and rare, but which still do occur, to take advantage of the helplessness of the tenant; and I also know, professionally, several cases where, without any fault on the part of the landlord, because of his death, and because of his property having been sold in the Landed Estates Court, property created by the tenant's industry has been confiscated, and the proceeds of his labours have gone into the pockets of the representatives of the landlord.

1815. Lord *Churston.*] That is to say, the purchaser under the Encumbered Estates Act?

No; I say that the proceeds of the labour and industry, and expenditure of the tenant, have, in those instances, on the sale of the property, gone to the representatives of the former landlords.

1816. Do you mean that the land has sold for more money than it would have sold for previously?

Quite so; and the difference of the purchase-money is pocketed by the representatives of the landlords, and that, I may add, without any fault of anybody. It is the fault of the system, and not of the individuals.

1817. But does not that same thing happen in England and Ireland, and everywhere else, where lands change hands?

I know no civilised country but Ireland where the onus of improvement is thrown on the tenant, and where the property he creates is ever liable to absolute confiscation. It used to be so in Russia; but even Russia has rectified this barbarism.

1818. If an estate in England is improved in value during a long period of tenancy, it sells for more money in consequence of what the tenant has done upon it, does it not?

In England, as I have stated, all the fixed capital, so to speak, is provided by the landlords, and only the floating capital is required to be given by the occupier; but in Ireland both must be supplied by the occupier.

1819. Lord *Meredyth.*] I think you draw too strong a distinction on the ground of steading, and so on, being found by the landlords in England and not in Ireland; good husbandry for many years improves the condition of the land greatly, does it not?

It does; and in England, as I understand, a farm fully furnished and in good condition is given over to the occupier. To such an occupier, as I have said, it is a matter of comparative indifference whether he occupies for a short time or a long time; but if a farm in an utterly bad condition is given over to the occupier, then one of two things must happen, either he does or he does not improve; if he do improve he does so with the danger of his improvement being confiscated; in point of fact, the very moment any property in improvement is created in Ireland it becomes the property, not of the man who creates it, but of another person. If the occupier do not improve it is an injury to the tenant, to the landlord, and to the State.

1820. But taking houses and steadings, is it not the same in England as it is in Ireland in that way?

No; because I apprehend that, in England, the farm is given up to the tenant in good heart, generally speaking, and the good feeling between landlord and tenant supplements the deficiency of the law.

1821. Marquess of *Bath.*] If there had been leases held by the tenants in those cases, of course they would have been protected from the injustice which you have been describing?

Of course.

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1822. Therefore, would it not be a desirable thing that, as much as possible, leases should, in every case, be granted?

Certainly; that is the chief force of my evidence. I hold with my Lord Dufferin; that "the prosperity of agriculture depends on security of tenure, and the best security of tenure is a liberal lease."

1823. That would be a protection to the tenant, would it not?

It would. A fair lease at a fair rent is almost all that is needed, and almost all that I plead for.

1824. *Chairman.*] Have you read the Bill which is before the Committee?

Yes.

1825. Have you observed that the Bill provides a simple and cheap method for the landlord and tenant to enter into agreements with reference to compensation?

I have.

1826. Would not such agreements provide against the state of things which you apprehend and complain of, in which landlords take possession of tenants' improvements?

If the agreements were entered into, and were agreements for long leases, they would, but not otherwise.

1827. Earl *Grey.*] But it provides also for cases of compensation for actual improvements?

Yes, if these agreements were entered into they would be binding for that purpose; but landlords might decline to enter into them.

1828. You describe cases of tenants having money which they have saved upon their farms, and which they are very anxious to employ upon their farms, if they could have security; is not that the case?

Yes.

1829. In such cases as those, would not a simple and cheap mode of making the agreement by which the tenant would be able to execute improvements and then claim compensation, afford great facilities?

It would; I am quite in favour of the Bill which is now before your Lordships. It appears to me to be an excellent measure; but I feel bound to say, in frankness and with due respect, that it does not appear to me to go to the root of the mischief. You must probe deeper if you would cure.

1830. But do you think that the majority of the landlords, if a tenant applied to them for leave to enter into such an agreement as this Bill provides for, would make any difficulty about entering into it; for instance, if a farmer came to his landlord, and said, "I can drain this land if you will enter into one of these compensation agreements with me for payment of a certain sum of money for expenses;" would a landlord under ordinary circumstances refuse an offer of that kind?

It appears to me that there would be two difficulties to overcome in the matter. One difficulty would be, that the tenant who had the money would be afraid to tell that he had it. Another difficulty would be, that in many cases it is not with the landlord whom the tenant has to deal; it is not even with the agent nor even the sub-agent; but in many cases he has only the bailiff on the estate to deal with. Again, landlords have been always tolerably free to enter into such agreements, yet they rarely do so.

1831. *Chairman.*] But really are the landlord's head agents really so neglectful of their duty, and so ignorant of the condition of the country, that they do not know when a farmer is really a well-to-do man, or what is often called a "snug man," and when a man is not worth anything?

The tenants (perhaps without any fault of anybody's) are, in point of fact, kept at a distance from the landords. I believe that if they had to trust to the honour, high feeling and kindheartedness of the landlords themselves, they would be much better off than they are at present. Of course I perceive that it is not practicable that it should be so, I merely state the fact; and I contend for a state of things which will enable them by their own industry to free themselves from this serfdom.

1832. It is a fact, I believe, that they are inclined not to wish to have it known how much wealth they have; but I apprehend that that is not merely confined to the landlord; it extends to the priest, does it not, in many cases?

In my own experience, it is not so.

1833. Do you think that they do not mind anybody knowing, except the landlord and his agent?

They have no reason to dread anybody's knowing it, except lest it might reach the ear of the landlord and the agent. The persons most likely to hear it are, first, the priest, and secondly, the attorney.

1834. Lord *Meredyth.*] Do you still hold to your recommendation of a statutable lease for 61 years?

Most certainly. I say with Arthur Young, "Give Irishmen an interest in the soil, and they will take up arms, not to overthrow its institutions, but to defend them."

1835. Supposing this Bill became law, how would you prevent a landlord from taking the land into his own hands before the statute could take effect, and from adopting other measures to counteract such proposals as you have made?

I have not considered that question very carefully, inasmuch as I have too high an opinion of the landlords to think that the depriving them of a privilege which is of no use to them, and which is a great injury to the tenants and to the whole community, would induce them to pursue a system of wholesale eviction. It cannot be necessary for their happiness that their tenants should be miserable.

1836. But there may be a great difference of opinion between you and the landlords as to your proposal. There may be landlords who think that you are interfering very considerably with their rights of property and with the management of their estates; and I believe that it would be a very general opinion. Do you not think that, in self-defence, a landlord would have a right to adopt such measures as he might think necessary to secure to himself and to his children afterwards the full value of his estate and his property?

If there were anything proposed which would injure the landlord in the slightest degree, I conceive that he would have a full right to take every means to prevent his sustaining injury; but I would wish it to be distinctly understood that, if the settling of the whole question, and if the prosperity of all the tenants in Ireland for the next 500 years could be effected by doing an act of injustice to any one landlord, I should be opposed to that act of injustice being done. Evil must not be done that good may come; but this arrangement, so far from injuring the landlords would serve them; their rents would be paid punctually; their estates would rise to the value of estates under which tenants with valuable sub-interests hold; and that reconciliation between the upper and lower classes would be effected which would increase even their political power.

1837. *Chairman.*] You stated, did you not, that you would give in your plan what you considered a security to the landlord for an increase of the value of his land?

Yes. I may add that the idea of the plan is not mine; it is Mr. Butt's.

1838. But, if I understand you rightly in your former examination, the only mode which you proposed was by a revision founded upon the public valuation, giving a quarter per cent. above that valuation for rent?

I would propose, in the first place, to give the land at a rent one-fourth above the poor-rate valuation, except in instances where either party may deem that valuation inequitable. I would propose that, subsequently at certain periods of seven or ten years, as the case might be, either party should have the power of appealing to some impartial tribunal appointed by the Government, the business of which tribunal it would be to say whether any external circumstances had occurred in the meantime in the rise of certain articles of produce, such as corn, butter, hay, &c., or as to the particular property which would render an increase of rent or a decrease of rent, as the case might be, just and fair to both parties.

1839. Lord *Meredyth.*] You do not think that to many landowners withdrawing them from the control of their estates for 61 years would be a great injury?

I think it would only bring every landlord in Ireland, as regards his estate, into

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somewhat the same position as that which my Lord Bandon occupies in Cork; or my Lord Dufferin in Down, or that of his Grace the Duke of Devonshire. I do not know that their positions are those of extreme hardship.

1840. *Chairman.*] Do they give 60 years' leases?

They give, as I understand, practical security of tenure.

1841. Practically, do you know, or believe, or think, that they give 60 years' leases?

My impression is, that Lord Bandon and the Duke of Devonshire, and Lord Abercorn, and some others, give practical security of tenure to their tenants, and that is all that I contend for.

1842. But do they grant 60 years' leases?

My impression is that they do grant 60 years' leases, but I cannot testify from personal knowledge.

1843. Duke of *Devonshire.*] You do not know in any case what the length of the lease is from your own knowledge?

I do not know, but I know that in some cases on your Grace's estate there are long leases.

1844. Earl of *Lucan.*] What length of agricultural lease do you know upon the Duke of Devonshire's estate?

I really am afraid to state exactly; but my impression is, that on the estates of his Grace near Youghal, and also near Bandon, there are leases given which are, at least, of the length of 60 years.

1845. Duke of *Devonshire.*] Should you be surprised to hear it, if you were told that no lease exceeded 21 years or 25 years?

I should be very much surprised, and should regret it very much.

1846. And still more so if you were told that, when the leases were expiring, in hardly any cases did the tenants apply for a renewal of them?

I should not be extremely surprised at that, because on your Grace's estate there is a traditional confidence in your Grace's kindness and honour which renders your word, as the farmers say, as good as any lease. But this does not affect my argument. What I contend is, that you do not exact an unjust rent; that you do not evict unjustly; and that your abstinence in these respects do not render you miserable but the reverse. And I see no harm in taking from a bad landlord the powers a good landlord never exercises.

1847. Lord *Meredyth.*] But is there not a great difference between the case of a landlord who voluntarily, if he chooses to do so, grants a lease for 61 years or 100 years if he likes, and every landlord in Ireland being compelled to do so in the case of every tenant in Ireland; are not the two cases totally and entirely different?

Of course there is a difference. If there were no difference there would be no need of any measure such as I advocate; it is because there is a difference that I advocate the measure. I desire that bad landlords should not be allowed to do that which good landlords never do.

1848. *Chairman.*] You stated that, in Ireland, as a general rule, a tenant who had laid out his money did not get compensation; but, in point of fact, do you believe that throughout Ireland generally tenants who do lay out their money do not get compensation for that money, and are not repaid for the amount they expend by enjoyment of the compensation in some cases, by getting improvement leases, as they are called in parts of Ireland, in other cases, or in others by sometimes a direct share being given to them in perpetuity, so to say, by the landlord, the landlord nevertheless sharing the benefit?

Yes. I desire to testify in the strongest manner that I think, generally speaking, the intention of the landlords and their practice is not to confiscate the improvements which are created by the tenantry; but I know that occasionally instances of the contrary occur, and the possibility of their occurring in any case is what produces (as Edmund Burke declared over a century ago it would produce) "a paralysis of industry." Prosperity depends on security; and security cannot co-exist with arbitrary power.

1849. But practically are there not in the county of Cork (as there are certainly

tainly elsewhere) any cases of agreements for letting land which require improvement at a very low rate for five years, or seven years, with the condition that the rent shall be raised at the expiration of that time?

There are. Within the last four or five years I let some agricultural land on a long lease of over 100 years for 10*s.* an acre. It is very near Cork, and yet it is very bad land. It is now worth at least 2*l.* an acre, and it blooms like a little oasis in the midst of a desert.

1850. I do not refer to such long leases as that; I was alluding to leases of, say seven years, with a lease at the expiration of that period, and then of seven years more, with a rise at the expiration of the second period?

I have no personal experience of leases of that sort, but I have heard that under leases pretty much of that character some of the mountain lands of Kerry have been reclaimed most advantageously, and that some lands which were deemed to be almost worthless have in a few years been made most valuable.

1851. Then I understand your opinion to be that where there are written agreements of that kind entered into between landlord and tenant, they are found to operate very well, and to put matters between landlord and tenant on a satisfactory footing?

Just so. When both landlord and tenant mean to act rightly the operation of the Bill before your Lordships would be most admirable; but the object of any really comprehensive measure should be to give security, not to a few, but to all, and to establish some system which would be advantageous to all.

1852. Lord *Meredyth.*] With regard to the grievances of landlords, do you not think that the landlords would consider it a very great grievance and a very great interference with their rights, if they were not allowed to make their own agreements as to rent between themselves and their tenants?

Of course my personal acquaintanceship with Peers is of a very limited character, and I can hardly say what their feelings may be; but I should hope that even if a slight sacrifice were asked of them for the public good they would cheerfully and chivalrously assent "*Noblesse oblige.*"

1853. I am not talking of Peers. I am talking of landlords?

What I contend is this, that, ordinarily speaking, as landlords, in point of fact, wish only, and ought only to wish for a just rent and the proper cultivation of their lands, and that these things would be secured for them by Mr. Butt's Bill. The only thing taken away from them would be the powers of asking unfair rents or evicting unjustly. They retain the power of evicting for a just reason.

1854. I ask you whether you do not take away from them the power of managing their own estates, that is to say, regulating the amount of rent between themselves and the tenants, you propose to take away that power, do you not?

I leave them full power to manage their own estates and all incidents of ownership except these mentioned; incidents which are utterly useless to a good landlord, most mischievous in the hands of a bad one, discouragements to industry, hindrances to agriculture, and detriments to the peace and prosperity of the country.

1855. Would you interfere with existing contracts; that is to say, supposing a tenant now held under a lease for 31 years, would you add 30 years more to that lease, or would you wait until it fell out, and then let him hold for 61 years more, or, as I put it, briefly, at first, which conveys fully my meaning, would you interfere with existing contracts?

So far as I can see now, I would not.

1856. Do you think, speaking generally, that it would be a politic act to shut up all the land in Ireland for 61 years?

I think it would be highly politic so to arrange that the Irish occupier would have the security of tenure which every occupier in every other civilised country enjoys.

1857. But that is the point upon which we differed, because there is no difference, as far as we could make out, as respects tenure, between the tenant in Ireland, the tenant in Scotland, and the tenant in England; and, I believe, the tenants in many other countries?

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I have endeavoured to explain before that it appears to me that the differences of fact are most important, and that they are differences which reach to the very depths of the whole question. I have endeavoured to explain what those differences are. I submit that the position of the Irish tenant-at-will is absolutely exceptional, a relic or a revival of barbarism.

1858. You would leave no chance to superior energy or skill, or perseverance, or capital?

I would give capital and energy their only true stimulus by giving them security for the results of their exertions and their expenditure.

1859. But did you not say that you would secure the possession of his holding to every man just as he is now, whether his farm is large or small, or whether he was improving it or otherwise?

I said that I would give him a chance of holding it on certain conditions—on condition that he pays punctually a just rent, on condition that he cultivates it properly, on condition that he maintains improvements, and on condition that he is prepared, at certain times, to have a revision of his rent.

1860. Who is to judge whether he cultivates properly?

The landlord.

1861. Are you not really endeavouring to prop up a system which has been tried, and which, to a great extent, has failed, viz. the system of long leases in Ireland?

The system which I propose has never been tried. The system which has been tried in Ireland is that of granting carelessly, as it appears to me, very long leases at very low rents, subject to no conditions, which would be a security against sub-division and sub-letting, and the other evils which naturally arise in such things. That is the only thing which has been tried; but whatever else may be said of the thing which I propose, I submit it cannot be said that it has been tried. It has not been tried.

1862. Are you not aware that every effort was made under the old long leases of former times to prevent sub-dividing and sub-letting, and that all those efforts were unavailing?

No; I am aware, on the contrary, that most of those old leases absolutely contained no covenant whatever against sub-division or sub-letting; that in some cases where they did contain such covenants they were ill-drawn; and that in many cases, when they were contained in the leases, from the carelessness of their landlords, or from their kind heartedness, the powers given by the leases were not exercised.

1863. *Chairman.*] But was not sub-letting found out, even before the Union, to be so injurious to the country, that the Irish Parliament passed some Acts against it?

I believe so. I am quite as much opposed to improper sub-letting as any person, or as any Peer can be.

1864. Lord *Meredyth.*] You are not afraid that your plan would reduce the country to a state of stagnant mediocrity, instead of giving an impulse to national energy, and encouraging industrial skill, and the outlay of capital?

In every other branch of commerce and in every other country that I know, the way to encourage prosperity is to give security. The way to bring about stagnation and misery is to withdraw security. Every other artificer, so to speak, depends upon security. Security is the one vital thing for him. If he gets security he can go on under almost any circumstances, but if he be deprived of security nothing but failure and misery occur. If that is the case in every other branch of industry, and in every other country, I do not see why it should not be so in agriculture and in Ireland,

1865. But you make no distinction between the industrious improving man and the torpid disimproving man?

If I have conveyed such an impression, I must beg to be allowed to correct it in the most decisive manner. The reward that the industrious man would have under this system would be this, that he would grow rich; that his home and his hearth would be under the ægis of the law; that he would enjoy the proceeds

proceeds of his own industry; that he would be like the peasants of England, France, or Switzerland, prosperous and happy. The punishment of the lazy man would be, that he would be liable, as he is now liable, to eviction. The sword of eviction, of which I spoke just now, would be capable of being exercised over him with terrible and just effect.

1866. Are you not aware that that power of eviction, in order to bring about the state of things you contemplate, must be used to an enormous extent?

No; I differ from that view most completely. It appears to me that all that the Irish tenant wants, in the long run, is fair play. I believe that if the Irish tenant gets his land at a fair rent, subject to a fair law of compensations, and with a fair amount of security, he would be found as industrious as the tenants of any other country. He has never yet got these, and I submit that the experiment is, at all events, worth trying.

1867. Do you not yourself know many instances of tenants in the occupation of land, who, if they had a lease, no matter how long, would be absolutely incapable of improving the land as it ought to be improved, having neither the energy, the skill, nor the capital?

I quite admit that, as was predicted by Burke a hundred years ago, temporary possessions turned the tenant to temporary enjoyments; and that this state of things induced habits of want of thrift and laziness. I regret fully, but still candidly admit, that that is so in a great many cases; and, in order to remedy this, I would supply the greatest impulse to energy, by giving security; and I would give the greatest punishment to want of thrift and to laziness by suspending over them that sword of eviction of which we have been so often speaking.

1868. Allow me to enlarge a little upon that question: are you not cognisant of many tenants in Ireland with long leases, who are in the occupation of land which they are not only not improving, but allowing to deteriorate from year to year?

No, but I do know or have heard of some such cases.

1869. Then, in the case of this disimproving tenant, to use the same expression, you would allow the landlord to resort to eviction, and allow him to be the judge of who was an improving tenant or otherwise, and throw upon him the onus of eviction?

I would propose to leave to the landlord all the power in that respect that he has at present, namely, the power of evicting whenever he thought proper. That is the only remedy which he has at present, and I would leave him that remedy in all its entirety, in cases where improvements were not being effected, or where the land was being injured or deteriorated.

1870. At present he does not exercise those powers, does he?

Sometimes.

1871. But, generally speaking, you will admit, will you not, that he does not exercise those powers?

I do.

1872. If he did exercise them, and if every landlord were to take advantage of the powers which he possesses, and to evict tenants in the occupation of land which they were not improving, what do you think would be the condition of the country?

I think that, under present circumstances, it would be highly imprudent, and wrong to do so; but I submit that it is one thing to offer the tenant the alternative of having a long lease at a fair rent and of cultivating the land, on the one hand, or of leaving it on the other hand. It is another thing to evict him without offering such alternative. One is just and fair, and the other is not.

1873. In the one case there would be a good and improving tenant, and in the other there would be a deteriorating or disimproving tenant; would not the landlord be equally justified, in either case, if his principal object were, as you say, the general improvement of the land?

I think not. I think that the peasants (putting it rather strongly) have as good a right to live in the country as the peers; and I think that they ought to get some fair alternative, and that they ought to be put in such a position as that, if they act honestly, energetically, and industriously, they will be rewarded.

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Now whatever industry they show, and whatever their prudence may be, if they make money they must hoard it, as in the cases I have mentioned. In many cases they must keep it from the eyes of the landlord; and in every case there is that uncertainty which, as I submit again, is the very one thing that kills energy, and mars industry in every branch of commerce and trade.

1874. But your remarks do not at all hold good as regards the man who at this present moment has a long lease, or who has had a long tenure of land, and who has allowed that land to go out of his tenure?

No; in a few instances in which a man with a long lease has deteriorated his land, and is injuring his land and his landlord, I would not object to any landlord saying to him, "If you wish to hold your lease, you must, at all events, not injure my land; if you persist in injuring my land you must leave it."

1875. If that dictum or system were carried out generally throughout Ireland, what do you think would be the condition of the country?

It only applies to instances in which tenants have long leases at fair rents, and these instances are quite exceptional and rare.

1876. Is that so?

Certainly.

1877. *Chairman.*] Is that the case throughout Ireland?

I speak now of the south; I only speak from hearsay of the other parts of Ireland; but of the south I speak from experience.

1878. Reverting to these old leases which have been mentioned, in that case do you not think that the tenant who had one of those old leases, which were not sufficiently guarded, had fair play if he chose?

He had, assuming that he got a fair lease at a fair rent. He had his opportunity, and if such a person persisted in injuring the land, I see no objection to the landlords saying to him, "You must not injure my land; you must either avail yourself of your lease, in order to exercise your industry, or you must give up your lease."

1879. But, as a matter of fact, there was throughout Ireland, as you are doubtless aware, in the early part of this century, and the latter part of last century, a large extent of land let under long leases, and that was the origin of what have been called so much the curse of Ireland; viz., middle-men?

Some 70 or 80 years ago, or more, there were a great number of long leases made; but those, as I have explained, did not contain a proviso against sub-letting, and therefore they created this race of middle men, which I agree with your Lordship in considering to have been very mischievous.

1880. But when the owners gave the leases, they did not give them with that view; they gave them with the view of the improvement of the land, did they not?

I think so.

1881. Therefore those men had fair play to improve the land in anyway they liked?

Quite so; but a peasant has his faults, and the faults of a peasant must be guarded against, as well as the faults of anybody else.

1882. You spoke of "stagnation and misery;" do you consider the state of agriculture throughout Ireland in the farming districts at the present moment to be one of stagnation and misery?

I do; when I go into any country, and come back to my native fields, I am ashamed of them; they appear only scratched heaths, with dirty farm buildings, and wretched drainage, and deficient in almost every thing; and now and then in my own county there are cases of distress occurring which are absolutely fearful.

1883. Is there anything which you wish to explain to the Committee?

Yes, I wish, with your Lordship's kind permission, to give a definite answer to the most important question that has been asked, and which I find I answered rather hurriedly and imperfectly. It is not every day that I address such an audience as I have the honour of addressing now. The question was one asked by the noble Chairman, almost immediately after I entered the room. It was

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in substance: "What would you propose as a remedy for the present state of things in Ireland?" The answer, of course, must be the key-note of all my evidence; and, therefore, I wish to give it clearly. I answer thus; as the disease is deep-seated, of long standing, and arises from several causes, the remedy must be not superficial, but deep reaching, and not instantaneous, but gradual; and not one only, but several. It would be hopeless to expect that any one specific measure will cure the disordered body politic. It is just as absurd as it would be to imagine that the administration of any one drug would cure a person after he had been suffering for a long time from a very serious and complicated disease. The true course is to ascertain what the real causes of disease are, and to these causes apply their appropriate remedies. If I were asked for my diagnosis, I would point in the first place to that insecurity of tenure, about which we have been speaking. With due respect to those who may differ from me, but still most deliberately, and most thoughtfully, I must say that it appears to me that the Irish occupier is the only peasant in the civilized world who is not protected against unjust eviction, either by law, or by custom, or by the circumstances of the case. His case is absolutely exceptional; his position is a remnant of ancient barbarism. I submit that this fact lies at the root of the whole question, and that until you reach that, and cure it in some way, you will never remedy the state of affairs in Ireland. The next of the three causes of disease which I propose to mention, is the extraordinary arrangement about improvements; the arrangement, I mean, by which the onus of making improvements is thrown on the tenant, and thrown on him subject to this condition; that the instant he effects them they become the property of another person; the dominion in them passes away from him the moment they are created. Now, I submit, that if Mephistopheles were asked to point out some means of preventing improvements in a country he could not point out anything more appropriate than this; to provide that improvements, if made at all, must be made by one class whom we may call Class A; and that the instant they are created the dominion in them passes away and becomes the property of Class B. This is utterly indefensible; and I never met anybody who was able to say that it was anything but a fraudulent injustice. It is not merely a social anomaly, but a national injustice; not only a national injustice, but an Imperial dishonour. The third cause of the present state of agrarian affairs in Ireland appears to me to be, that the landlords are too much tied up by the present unfortunate system of conveyancing and title. In order to effect any mortgage, or sale, or reward any good or old tenant by giving him the fee simple of his farm, or anything of that sort, landowners are obliged to go through a process which is so tedious, so costly, and so wearisome, that it is a constant obstacle to that free transfer and free intercommunication of land and capital which scientific writers or say is one of the very conditions of prosperity. This, then, is my diagnosis. These I take to be the three *fontes malorum*:— First, want of security; secondly, the extraordinary arrangements about improvements; and, thirdly, the difficulty of transferring and dealing with the property on the part of the landlords themselves. For those three evils I would propose three remedies; for the evil of insecurity I would give the old-fashioned remedy of a long lease at a fair rent, with covenants scrupulously and stringently providing against sub-division, for due cultivation, for preservation of improvements, and even for revision of rent should prices rise, or accidental circumstances produce exceptional advantages. I cannot conceive how it would injure anybody. Whether Parliament will pass it or not I cannot say. All I submit is, that it is just; that it is in accordance with the established precedents of history; that it is in accordance with the results of politico-economic investigation, and that it lies deepest in the thoughts of the people. I have heard many farmers say, "We really do not want the fee simple; we really should not know exactly what to do with it; we have no objection to pay rent and live under some great nobleman or gentleman; all we want is some security." Then, as to the evil of want of compensation for improvement it appears to me that that security of tenure would give, to a certain extent, the remedy, but many cases would arise in which, even with that security of a lease, the tenant would require some other stimulus; his lease would run out, and the landlord would therefore require to be guarded against the danger that he would exhaust the land; and a tenant who has created a valuable improvement on a property, ought to be guarded against the danger that, on eviction from causes of neglect or otherwise, he would not get any compensation for his outlay. To meet that I have only to say, referring to my

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my evidence on the last day that I have never seen any plan so good, and so just to all concerned, as that proposed by Lord Naas in the Bill brought in by him this Session. Then, finally, as to the evil of the difficulty of transfer on the part of the landlords themselves, I would provide the simple remedy of extending that Record of Title Act, which was passed last year, and which would enable a landlord to transfer his land with great ease and very shortly. I have at present in my office a case in which I am instructed to transfer a little property in the north of Ireland. I am obliged, in order to do so, to trace the title up to the reign of King James the Second, and I find it extremely difficult. If I succeed in doing so to-day and effect the purchase, and the transaction is completed, to-morrow the purchaser, if he wishes to sell, or to mortgage, will have to go through the whole process again. Those, then, are the views which I wished to lay before your Lordships. I am convinced that if these three improvements be effected, the Irish land question will no longer be a difficulty. Irish tenants will be prosperous, order-loving, and law-abiding: Irish landlords will be pecuniarily benefited to the extent of many millions; and that reconciliation between classes long hostile will be effected, which ought to be the prayer of every true patriot.

1884. Marquess of *Bath.*] We are very much obliged to you for so clearly putting your views before us; you have divided the question into three heads; we will take only the question of tenure, and the question of compensation. With regard to the question of tenure alone and putting the question of compensation aside, do you know in what respect the Irish tenant occupies an inferior position to that of the English tenant; is he not, if anything, in rather a better position, or at any rate in the same position as the English tenant?

As to tenure, the only difference, that I remember is this; that in England it is more the custom to allow a good man who pays punctually and fairly to remain in possession. I mean that in England the instances are rarer in which a person who pays fairly and punctually is evicted than in Ireland. The deficiencies of law are supplemented by custom and by public opinion.

1885. But that is not a question of law; there is no difference in law, at any rate?

No, but the other question of compensation alters the whole question; it introduces a new and most important term into the comparison. Laws are good or bad in accordance not only with abstract considerations, but with respect to the state of facts to which they are applied. Legal insecurity may be tolerable when it is counterbalanced by moral security; intolerable when it is not so counterbalanced.

1886. With regard to the question of compensation, you would propose, as a remedy, the leases as proposed by the Bill; the only difference between you being, as to how the leases should be granted?

Yes; I advocate long leases at fair rents; and the system of compensation suggested by Lord Naas.

1887. You recollect the passing of the Encumbered Estates Court Act in Ireland, do you not?

I do.

1888. Was not the great evil complained of then, the divided ownership; that the mortgagee, who had no interest in the land, was receiving a large rent, and that the impoverished landlord was obliged to pay the greater part of his rent to a person who had no interest whatever in the land?

Yes.

1889. And to meet the evil, Sir Robert Peel brought in the Encumbered Estates Act?

Yes.

1890. Would not the granting of those 60 years' leases practically convert the landlord into the position of the mere landowner, and leave the tenant in the condition of the impoverished landlord, he having to pay a higher rent to a person who would cease to have any interest in the wellbeing of the land.

No; the landlord would retain every interest and right he has at present, except the privilege which a good landlord never exercises, of asking an exorbitant rent or evicting without just cause.

1891. It would practically take from the landlord all control over the estate, would it not, except the enjoyment of the rents, which rents would be decided by some other authority during the period of the lease.

It appears to me that the only thing that it would take away from him would be that power of eviction, and I question very much if it is for the happiness of Irish landlords that the tenants should be mere serfs.

1892. What other power would the landlord have over the land, except that of receiving the rent, supposing he was compelled to grant a lease for 60 years, and he could make no alteration in the terms of the contract without the sanction of some other authority?

He would have all the power that he has at present, with the exceptions I have mentioned. He would have the legal reversion incident to the lease; he would have the right and the need to see that the covenants in the lease were observed; he would have all influence and honour which proprietorship, rightly exercised, always brings.

1893. Earl of *Kimberley.*] You stated, did you not, that you wished to extend the Record of Title Act?

Yes; although some of my profession are adverse to it, I think it most desirable to sweep away, as much as possible, the cobwebs of conveyancing, and render land as easily transferable in Ireland as it is in France, or Belgium, or Prussia.

1894. Is it not the case that an Act was passed last Session for establishing the Record of Title?

The record of Title Act itself was passed last year.

1895. In what way would you propose to extend that Act?

My idea is to grant some sort of additional privilege in the way of exemption from stamp duty, or something of that sort, to induce landlords, as much as possible, to bring their lands under the operation of that most desirable statute.

1896. *Chairman.*] You have compared the Irish farmer to farmers all over the world, with regard to the tenure of land with which you seem acquainted, and the condition of the peasantry; did you allude to Germany?

My personal experience is of Belgium and of France, but I know Germany from the researches of Kay, Laing, and other travellers.

1897. As regards the practice in France as to the tenure of land, what, so far as you know, is the tenure of land in France by occupying tenants?

The greater part of the land in France is held by proprietors, and a large portion of it is held under the *métayer* system.

1898. Do you think the *métayer* system is a good one, or that it gives a tenant a greater security of tenure?

I do not think it is the very best system; but it appears to me to be infinitely preferable to the Irish system of tenure, inasmuch as it involves practical security of tenure, and secures that the tenants shall never be called upon to pay any more than a just rent.

1899. Has any case come to your knowledge of any tenant under that system making any improvement to the land?

I can hardly say; I know the lands that I have seen under that system are very well cultivated, and in very good condition indeed; but I should be afraid to say whether they were put in that position by the landlord, or by the tenant, or by the combined efforts of both. Volumes of testimony might be given respecting what Ran calls the superhuman industry of peasant proprietors and *métayer* cultivators.

1900. Do you allude to the tillage parts of France?

The parts of France, as well as I remember, in which I have seen the *métayer* system in operation, are in the south of France, the Basses Pyrenées and the Hautes Pyrenées.

1901. But in the parts of France where corn is largely cultivated, do you think the land is there sufficiently manured for a constant succession of crops; do you think the land in Picardy, which is nearest to us, is in a proper condition for good farming?

I do not know Picardy; but in the south of France, and the district lying from

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Bourdeaux, about Pau, and then up to Tours, the cultivation is admirable; in the neighbourhood of Tours, especially, the cultivation is like that of a garden.

1902. Do you know the part of the country near Touraine, any distance from the River Loire?

Not very distant; I have passed down the course of the river from Tours to the sea.

1903. Do you know either of its sides at a distance of, say, five miles from the river; you are not, perhaps, aware that there is a large extent of heath where there are very few poor cottagers in that country, not very far from the town of Blois and the town of Tours?

I do not remember seeing any tracts of the sort; but I do clearly remember tracts of most exquisite and careful culture, and peasant homes in which any gentleman might live.

1904. You did not go so far as Valençay, or any of those neighbourhoods?

No.

1905. The part along the river which you visited is, I apprehend, the richest part of the country of Touraine, and it is in a country where the large towns are numerous?

It is. I do not pretend to have any very extensive personal acquaintance with the state of agricultural affairs in France, but all I do say is this, that comparing what came within my own knowledge in France with what came within my own knowledge in Ireland (though it may have been exceptional in either case), the French farmer was infinitely better off, in point of fact, than the Irish farmer, and infinitely better off in point of law. In point of fact he was more comfortable, and, in point of law, he had security.

1906. Have you seen any of the reports which have been made to the Minister of Agriculture upon the state of agricultural affairs in France?

I have seen some quotations from them in some French works.

1907. Are you aware that some persons of authority in Ireland, and those who thought they ought to have authority also, and who are not Irishmen, have advocated a system of small proprietors in Ireland?

Yes.

1908. From what you know of the reports made to the Minister of Agriculture, are you aware that they contain a very strong expression of the injury to agriculture and to the improvement of the country from the division of property in that way?

I am aware that some authorities in France condemn "la petite culture," but I am aware that a great many others maintain the contrary. My own experience is not sufficient to decide which is right, but I just find that I have noted in my note-book three lines from a work, I believe, of authority, that of Monsieur De Lavaleye, which has been quoted in some public letters of Lord Dufferin's and others. He says, "Since the revolution French peasant proprietors have brought into cultivation 5,000,000 acres of waste land, have suppressed half the fallows, have doubled the agricultural produce, have increased the population 30 per cent., wages 100 per cent., and rents 150 per cent." This does not look badly.

1909. Earl of *Kimberley.*] But assuming that you were to introduce England, and to say that, under a law exactly the same as exists in Ireland, the population had increased so much, and that they had reduced the waste lands to such an extent, would that be a conclusive answer to the argument to be drawn from the different systems of tenure in France and in Ireland?

All depends upon the nature of the argument. I did not contend that prosperity was impossible in England; I know it is; but that prosperity is almost impossible under a state of things in Ireland which utterly differs from that of England.

1910. But is not this the case, that you can no more draw a conclusion with certainty from such an argument when derived from the state of France than you can draw it with certainty from such an argument derived from the state of England; you will admit that?

All I contend for is, that, so far as it goes, *pro tanto,* it is important. Of course it may be counterbalanced by other things.

1911. But

1911. But if you compared Ireland with England, there being the same law in both countries, and if you were to show that the progress in England was greater than that of France, might you not draw exactly the opposite conclusion as regards the state of Ireland?

I must be understood as being clearly of opinion that, practically, the condition of the English farmer is infinitely more advantageous than the condition of the Irish farmer; and therefore I could not logically arrive at such a conclusion.

1912. *Chairman.*] There has been greater improvement probably in that period under the English law than there has been in France under the French law; would it be sound on that account to say whether the English or the French mode is the best?

No, but for the Irish peasant I would accept either. I would accept the English system.

1913. But the English system is under the same law as the Irish system?

The law is nearly the same, but the facts with which the law has to deal are utterly different. It appears to me to be as great a mistake to suppose that because a law will answer one country it will necessarily answer in another country, as to suppose that because a coat fits your Lordship it will fit me. All depends upon the facts; and every system of law is to be judged by its results.

1914. With regard to the law and the practice in France, do you know of any large improvements which have been done in France; you probably are aware that there have been very extensive *défrîchements* and clearings of lands there; do you know any which have been done by small proprietors?

The improvements, of which I have any personal experience, have been all done by small proprietors, or *métayer* cultivators.

1915. Were they on an extensive scale?

Each particular improvement was rather a small one, but the result of the whole was most extensive and most magnificent.

1916. What was the class of improvement to which you refer?

The reclamation of lands.

1917. But do you consider that on any extensive scale they were done by small proprietors on the mountain lands?

I am aware that in the parts of France of which I have any personal experience, in the Hautes and Basses Pyrenées, the improvements have been effected almost exclusively by the exertions of the small proprietors and *métayer* cultivators themselves.

1918. That, I take it, is a steep kind of mountain; but it is not fitted for agriculture on a large scale, is it?

There is agriculture both great and small, and both have been conducted most admirably by the peasants. The industry of those people is wonderful; and I remember mentioning to one of those people the state of the Irish farmer, and his expressions would not have been at all complimentary to your Lordships.

1919. Does property change hands very often in that country?

So far as I know, the great evil, though it is not an intrinsic evil, by any means, is that extraordinary law of succession to property by which, on the death of a farmer, each of his children has an equal right to the farm. That, of course, is extremely injurious; and, as well as I understand, the objections which have been made to the agricultural law in France, arise from that, as a fact, and not from anything else, namely, that on the death of a farmer his property may be, though fortunately in many cases it is not, cut up amongst his children.

1920. Earl of *Kimberley.*] On what other point does the agricultural law in France differ from the agricultural law in Ireland, except on the point of the succession of property?

I do not say that the law differs so much, but the facts differ. The French peasant is in quite a different position from that of the Irish peasant.

1921. I am not asking as to facts, but as to law?

I am really not able to answer the question.

1922. *Chairman.*] Do you mean the French tenants?

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The French tenant, under that mode of tenure of which we have spoken, has practical security of tenure; and that makes all the great difference.

1923. Do you allude to the system of *métayer?*
Yes; I understood the noble Lord's question to apply to that system.

1924. But you must be aware that the *métayer* system does not prevail over the whole of France.
On the contrary; it is restricted to about a third. There are over five millions of peasant proprietors in France.

1925. Lord *Meredyth.*] Do you know what is the agricultural produce, acre by acre, of France, as compared with that of England?
I have not studied that.

1926. Should you be surprised to hear that the produce of England was double that of France?
I should be surprised at it; but it appears to me that it does not tell either for or against my argument.

1927. But as regards the farming it would tell, would it not?
I think that the fact is important for other purposes; but as regards our present argument I do not see the force of it. Give the Irish tenant either the French system or the English system, with all its practical counterbalances, and he will be satisfied; but as you cannot give him either, do not refuse him the slight modifications I suggest.

1928. Marquess of *Bath.*] You stated, did not you, that you did not know what the system of tenure and the relative positions of landlord and tenant are in France?
My only experience is of that *métayer* system; and under that system there is a practical security of tenure, and a practical security against any exorbitant rent.

1929. But are you aware of the tenant having any power to compel the landlord to grant him a lease?
The tenure is itself equivalent to a lease.

1930. Lord *Dunsany.*] Did you ever hear of the *métayer* system extending beyond a year?
It is nominally an agreement from year to year, but practically it is permanent.

1931. Is it not essential to its very working that it should be for one year?
No; the account is taken from year to year, but the tenure is not from year to year.

1932. How could the landlord otherwise know how much he was to provide of the different seed, and stock, and everything else connected with that year's cultivation?
The account is one thing, the tenure is another. Your Lordships and I may enter into partnership for 50 years, and yet take accounts every year.

1933. But does he not provide so much out of his own pocket under that system; does he not provide half the expense, and receive half the profit?
Just so; and he might do that on a system which would last for a hundred years.

1934. Practically, is it the case, or is it not the case, that the *métayer* system is a system under which the landlord and tenant each year agree, respectively, for that year and for that year alone?
No; the account is taken yearly, but the tenure is permanent.

1935. *Chairman.*] But do you know what the law upon the subject is?
I cannot say that I have any very profound acquaintance with the law upon that subject; I only contend for the fact, that the tenant is practically secure even under the least enlightened of the continental systems.

1936. Earl of *Kimberley.*] In the case of a tenant holding from a landlord in France, what greater security would that tenant have in France than he would have in Ireland?
The Frenchman, or the Italian, is secured either by law, or by custom; the Irishman is not.

1937. By what law?
By the law of France, or of Italy, as the case may be.

1938. But you just now said that you could not tell me what the law was?
All I stated was the fact that he is secured; whether he is secured by law as under a lease, or by custom as under the tenant right system, does not affect my statement.

1939. *Chairman.*] In what part of the country is that?
In the Hautes Pyrenées and the Basses Pyrenées.

1940. Earl of *Kimberley.*] But if you do not know whether it is by law, or by custom, how can you be sure that any such security exists by either?
All I take is the fact; from what cause the fact arises I do not know. In just the same way the tenant in the north of Ireland has a practical security of tenure, I know it is by custom that he has it, and not by law.

1941. But I asked you if you knew what law or custom existed in France; you say they have some security; if you say that, you must know what security there is; you say it is either by law or by custom, but you cannot mention either any specific law or specific custom, and I think it is fair to ask you upon what you base your supposition?
If I had known that your Lordship desired information on the details of French agricultural law, I would have been happy to have obtained it.

1942. *Chairman.*] But are you sure of the fact throughout France?
No; I am sure that in the Hautes Pyrenées and Basses Pyrenées it is so; and Kay states it is the same in Northern Italy.

1943. Are you aware that it is mentioned in every work of detail in France upon the subject, I believe, as well as commonly mentioned as a well-known fact, in all works of fiction upon rural life in France, that the small proprietors in most parts of France are almost all of them indebted to usurers in the large towns, and that the property is constantly changing hands on that account?
Yes, I have heard that stated, and I have heard that the cause is the law of succession to property, by which, when a farmer dies, each of his children is entitled to a share in the farm; then they come to some arrangement amongst themselves as to who is to hold it, and the one who is to hold it has to buy up the interests of the others. For that purpose he has to mortgage the whole, and thus that system of mortgaging has gone on, which is, no doubt, injurious; but I never recommended the French law of succession to property.

1944. But does not the same practice of borrowing upon the farm exist to a great degree in Ireland, and very injuriously?
In my own experience in the south of Ireland there is nothing like an extensive practice of borrowing upon the security of farms, inasmuch as there is no security whatever to offer.

1945. Then how do they give portions to their daughters, as I suppose they do in the county of Cork?
I had a case last week in which a farmer gave a portion to his daughter, and in that, as in hundreds of other cases which have come before my notice, it was out of some little savings the money came. You will understand that I am not to be taken as approving of the French law of intestacy.

1946. Earl of *Kimberley.*] You say that you are not to be taken as approving of the French law of intestacy; but is it not the fact that it is owing to that law of intestacy that there exist so large a number of French peasant proprietors in France?
I think not.

1947. Then to what other cause can you attribute it?
The original cause is a matter of history, and I suppose I need not remind your Lordship of it.

1948. I never heard of any cause but the one I mentioned; to what cause do you refer?
By a very summary and atrocious process all the land was taken from the landlords and given to others at the time of the Revolution.

Mr. J. G. MacCarthy. 15th July 1867.

1949. Lord *Meredyth.*] The land was taken, but the subdivision of the land which has gone on has been caused by this very process to which you allude?
The fact of peasant proprietorship was caused by the Revolution, but the undue multiplication of the holdings has been caused, as I apprehend, by the very disastrous and absurd law of which we have just spoken.

1950. Lord *Dunsany.*] There was one question which you were asked, but which I do not think you answered. With regard to the altered position of the landlord, you said you would take away from him all unjust and improper rights. Amongst the unjust and improper rights which you would take away from the landlord, do you include the right of using and occupying his own land if he should see fit?
I should not be prepared to admit that the ten thousand landowners in Ireland would have a right to evict the whole population and occupy it.

1951. That is not my question; my question is merely whether, in the case of an individual landord who proposed to take away the land from an individual tenant and to farm it himself; you would consider that that was a right, of which the Irish landlord ought to be deprived?
I think that some provision ought to be made which would meet occasional cases of that sort, such as a landlord wishing to take a little more land into his hands for tillage purposes.

1952. Are you aware that, in England, a landlord who sees fit for his own convenience to take up a farm at the end of the lease considers that he has a perfect right to do so, and that his tenant equally considers that he has a right to do so?
Yes.

1953. But you would not give that power to Irish landlords?
Yes, on the termination of the lease.

1954. I am not speaking of 60 years hence; but of the present moment. You say that you do not contemplate depriving the Irish landlords of their just and proper rights. I wish to know whether this is an unjust and improper right?
It appears to me that those are questions of degree. I am not prepared to admit that it is the right of any one landlord, or of a great many, to evict wholesale, the population of the great estates of the country; but I admit his right to take up small portions of his estate for tillage.

1955. I wish to put to you, in the simplest form, the definite question, whether, in your opinion, it would be an improper exercise of power, in an individual landlord, to take up an individual farm for his own occupation, or enjoyment?
I have answered that question already. I do not think that it would, unless by so doing he confiscated some improvement created by the tenant.

1956. With regard to your system, speaking generally, you would for 60 years maintain the land to the tenant, would you not?
Provided the tenant paid his rent, cultivated properly, and so on.

1957. If it had been proposed to take the land permanently from the landlord under the same conditions, and to give it to the tenant, would you have thought that an injustice?
Of course that would be utterly and atrociously unjust.

1958. Contemplating the time when the 60 years shall have elapsed, will you tell me whether you think that the problem will admit of a more simple solution at the end of 60 years, should the landlords at that time wish to enter into the full enjoyment of their lands, just as the English landlords do?
I should hope that at the expiry of that period, the land occupiers, by means of their security of tenure, and by means of the compensation for improvements of which we have been just speaking, would be in a condition so independent, that we might leave the future bargains to the ordinary operations of competition. The reason why we cannot leave it at present to the ordinary operation of competition is, that one party is now absolutely at the mercy of the other. It is an essential condition to the operation of the politico-economic law of competition that both parties should be free.

1959. Then

1959. Then do I rightly understand that the sole ground of the privilege which you would give an Irish tenant is, that he is placed in circumstances of extraordinary competition with other tenants?

Not precisely so; the ground that I place it upon is this; that as things stand, he has practically to choose between accepting almost any terms offered to him by the landlord on the one hand, and, on the other hand, expatriation.

1960. Do you mean to say that a man must either become a farmer, or be expatriated?

Farmers who have no other business but farming, and who know nothing else, who have been reared to it, and whose business it is to farm really, have practically no choice between the two alternatives that I have mentioned. Lord Derby expressed the same thing when he said, "Rack-rent may be misery; but eviction is ruin."

1961. But do you not consider that a man, before he has a right to offer himself as a tenant, must possess some capital: would it not be, I may say, an impertinence in the tenant to come and offer for a farm if he had no capital in his pocket, or no credit equivalent to capital?

I have myself in some cases given, and I have often heard of landlords giving farms to tenants of good character and industry, who had no capital; and I have present to my mind some instances of some tenants of that class, who have done very advantageously for themselves and for their landlords too.

1962. So you believe that a man with no capital still has in equity a claim to get a farm; and that, if the present law does not admit of his getting a farm, that law ought to be altered, so as to admit of his getting a farm?

I do not say that; I do not adopt that last principle at all.

1963. I understood you to say that such was the competition for land in Ireland, that people who wanted farms could not get them, and that, therefore, the law required some alteration?

What I did say was this: that as things stand, a tenant is absolutely obliged to accept any terms offered to him, or to expatriate himself. That appears to me to be wrong, especially inasmuch as the terms offered to him generally involve that insecurity of tenure, which I hold to be equally injurious to the landlord, to the tenant, and to the State.

1964. But does not the same apply with regard to other things; if I wish to have a house in a particular locality of London, and I cannot get a house there, am I not obliged to go somewhere else and look for it?

It seems to me that the two things are not at all parallel; there is, or may be, an unlimited supply of houses, but there is not an unlimited supply of land. Again, it is a matter of very small grievance to your Lordship whether you get a house in a particular locality, whereas it is a matter of life or death to a tenant whether he gets a farm or not; and it is, so to speak, a matter of life and death to the whole community, whether those who have to produce the most important article of our commerce, our only commerce, so to speak, should be subject to advantageous or disadvantageous conditions.

1965. But why should that apply more to a farmer than to any other manufacturer; the farmer is a manufacturer of food, we will say, and if he cannot get a vacant place somebody else gets that vacant place, and therefore the community do not lose; but do you consider that it is a hardship to that individual farmer that he cannot get a farm?

It appears to me that, as a general rule, economic science lays it down that prices should be left to mere competition, but it appears to me that the same science, with equal strength, lays down that there are exceptions to that rule; and, whenever any proper exception is made out, such as that which your Lordship has mentioned, it would accede to it, and I should be in favour of alteration. In ordinary commercial affairs we know that the laws of competition have been infringed upon, and great alterations have been made for the advantage of the weaker party.

1966. Is it not true that an Irish farmer, as a general rule, brings up all his sons to be farmers?

Yes; but if agriculture prospered manufactures would arise, and this bad custom would cease.

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1967. And, under those circumstances, is it possible that each of those sons can get a farm as he grows up, without dividing the land?

No; and I think it is a most unfortunate circumstance.

1968. If English farmers had been in the practice of doing the same thing, bringing up all their sons to succeed them, and if those sons had been unable to get farms, should you have thought it right to call for an alteration of the law of England, in order that all those sons should be provided with farms?

No; but if, in the case of an English farmer, it was shown to me that he was practically at the mercy of the landlord, and that the onus of improvement was thrown upon him; that as soon as those improvements were made they necessarily became the property of another person, and that he had no security for the enjoyment of the results of his own labour, I would ask for the same remedy for him.

1969. You do not exactly answer my question?

Excuse me; I intended to do so.

1970. You seem to imagine that an Irish tenant has peculiar claims which the English tenant has not?

No; in the abstract, he has no such claims.

1971. But, as a fact, you would legislate more favourably for the Irish than for the English tenant, on account of certain differences which you consider to exist?

Yes. I would adapt the law to give justice to the one as I would, if needed, adapt the law to give justice to the other.

1972. You have regarded those differences, so far as the claims of tenants arise out of them; have you regarded the differences which would make against the Irish tenant?

I think I have; and my own personal experience has been nearly always on the side of the landlord.

1973. Are you aware that an English tenant doing what it is usual for an Irish tenant to do, would be immediately dispossessed; that if an English tenant were to sell the straw, or the hay, or the roots on his farm, his landlord would think it a good ground for ejecting him?

I am not aware of the fact; but I think it is quite possible in many cases. As one of the parting words of my testimony, I would desire to express in the strongest way my belief that, generally speaking, the intention of the Irish landlords is to act kindly and honestly. I know them personally by a large experience, and my experience has nearly always been, that they have been kindly and honourably intentioned, and well disposed towards the people; and sometimes really some of the difficulties have arisen from over indulgence. It is the system I reclaim against, not the man; a system which injures the landlord almost as much as the tenant, which is an anomaly in science, and a barbarism in history, and which, as I contend, has now no other exemplar in any civilised country. In this, as in some other matters which occupy your Lordships' attention, I am convinced that the true wisdom and safety be in really comprehensive measures and really statesmanlike boldness. He is the anarchist who pretends that all is well while the ship is sinking. He is the true conservative who shows the leak and strives to staunch it.

The Witness is ordered to withdraw.

MR. FITZHERBERT FILGATE, is called in; and Examined, as follows:

Mr. *F. Filgate.*

1974. *Chairman.*] I BELIEVE you are engaged in the management of extensive estates in the north of Ireland?

Yes.

1975. You are very well acquainted with the farmers of that country, and with their customs, are you not?

Yes.

1976. Have you re the Bill which is under the consideration of the Committee?

Yes.

1977. Is

1977. Is there any part of that Bill which you think would be inapplicable to the north of Ireland, or would it be particularly distasteful to the farmers, or to the landlords of that country?

I think it very questionable whether making it compulsory to have an agreement would not create a suspicion amongst the farmers.

1978. Do you think they would apprehend that advantage would be taken of them to affect the question of tenant right?

I think it is possible.

1979. Do you think that it might not be explained to them gradually and fairly, that it need not in any way affect their tenure?

I think that, on very many estates, there would be no difficulty about it; but, taking it as a measure coming into force at a particular day, all over the north of Ireland, I think there would be a certain amount of risk of its being misunderstood, and of its being taken to interfere with and infringe in some degree upon the tenant right.

1980. But are you aware that the Bill does not necessitate that nomination, or fixing of a day for that purpose?

I am quite aware of that; but there is a period named before which the landlord must, for his own safety, insist on a contract in writing.

1981. What is your opinion of tenant right generally; is it a practice that you would introduce into another country, and do you think it beneficial, or the reverse, to the progress of agriculture and the prosperity of farmers?

I would not think of originating or introducing it into a new district.

1982. But how do you think it acts as regards the improvement of agriculture, or the reverse.

I think on the whole it works well with us, where the details of management are carefully attended to.

1983. Does the landlord exercise much power in the cases where the tenant right is exercised, when there is a change of hands from one farmer to another?

In the first instance his permission is asked to dispose of the farm, and then he selects the tenant.

1984. Does he allow of any competition in bidding for it?

No, he selects the tenant. When I say that the landlord selects the tenant, the practice varies a good deal upon different estates; and that is one great difficulty in dealing with the question. It is on no two estates quite the same thing.

1985. Is the value of the tenant right generally ascertained pretty well?

No, it varies a good deal; it varies even with the state of the market.

1986. But in each particular instance is there no case of one person desiring to become the occupant outbidding the others; is that allowed, and if so, to what extent?

That is not allowed. As to the amount given no inquiry is made.

1987. Not by the landlord?

Not by the landlord.

1988. Except in so far that he is paid all claims?

He selects the tenant whom he considers the most suitable.

1989. And is that man allowed to make what bargain he pleases with the outgoing tenant?

That is the practice on Lord Downshire's estate.

1990. I presume that there has been emigration going on, if not on any particular estate, yet through the country generally, in that part of it with which you are conversant?

There has been some emigration, but it has been chiefly emigration of members of families; there has also been a good deal of immigration, small holders going into Belfast, and going into the manufacturing towns.

1991. Have you known many persons, or any persons, giving up farms of not less, of course, than 15 or 20 Irish acres, or upwards, for the purpose of emigration, they being in a state of solvency?

I have known some cases of it; but that is not the general case.

 1992. Are

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1992. Are those cases in which relatives have sent from America to induce them to come?
Yes.

1993. You are aware that this Bill allows two years, before what I believe you call compulsion is put upon the landlord, or tenant, to come to a written agreement; do you think that time long enough to introduce the practice?
I think it would be preferable to make it a longer time, if it were to be done.

1994. Lord *Meredyth.*] Do you yourself approve of the system of written contracts?
I think it most desirable.

1995. Do you think that it could be introduced into the north of Ireland?
If it could be introduced, without appearing to interfere with the custom, I think it would be most desirable to reduce all those matters to writing, as far as possible.

1996. Do you think it would prevent litigation and misunderstanding?
It prevents misunderstanding; and it is more necessary with regard to the dealings between the very small people and the middlemen and their tenants than with any others.

1997. *Chairman.*] Did not the operation of the Landed Estates Court violate the tenant-right custom a good deal?
There have been instances of persons having bought in the Landed Estates Court, and having paid a large price for the land, and then having considered that they ought to get a certain per-centage for their money, and upon that serving the tenants with notice to quit.

1998. What was the result in most cases; did the tenant pay the rent demanded, or did he abandon the farm?
In one case, which I have particularly in my mind, the tenants offered to pay something between what they were paying and what the purchaser wished that they should pay. It was ultimately so arranged, and then it came to be a question of costs. The purchaser said that he had been put to a great deal of cost, and his solicitor sent in a bill for 80*l.* The tenants offered, I understand, to pay 50*l.*, and, when last I heard of it, so the matter remained. The decrees in the meantime are lying in the sheriff's hands.

1999. Are there many agreements made between landlord and tenant for improvement?
It is not usual to enter into a regular agreement, excepting in special cases.

2000. Then, what is the arrangement as to such improvements as offices, or houses, or considerable drainage, or fences, or farm walls?
Very often as regards drainage, assistance is given by the landlord, and also as regards buildings. Sometimes slates and timber are found, and in some cases the house is built altogether by the landlord, and a per-centage is added according to circumstances. Sometimes one thing suits the tenant better than another.

2001. But are agreements of that sort common through the north?
Not agreements, but it is virtually done in that way.

2002. May we call them verbal arrangements?
Verbal arrangements entered in a book.

2003. Do disputes ever occur upon that?
I have never had any dispute.

2004. Lord *Meredyth.*] Do you think that the written contract under this Bill might not be so worded, as between the parties, in the north of Ireland, as to induce the tenant to accept it, and not to awaken any suspicion upon the subject of their tenant-right?
It has occurred to me that, if it could be done, there should be such a clause as was put into the Act of 1860, I think, which specified that nothing in the Act should interfere with the custom; that would get over all the difficulty.

2005. Marquess of *Bath.*] But you would hardly put the landlord under the disadvantages thrown upon him by the Act, and relieve the tenant from them; you

you would not maintain the advantages of the present tenant-right system, and the advantages given to the tenant by this Bill at the same time, would you?

In fact, the existence of a lease makes no difference in the custom of tenant-right. You give a lease for 21 years, and in 18 or 19 years, under the tenant-right system, the lease would sell for nearly as much as it would the first day.

2006. *Chairman.*] When a tenant cultivates his farm badly and unsatisfactorily in all respects, and is, except that he pays his rent, a bad tenant; is there much hesitation in giving him notice to quit, or, in fact, ejecting him; or do ejections take place solely when the tenants do not pay their rent?

Solely when they do not pay their rent, unless in gross cases of mismanagement or misconduct.

2007. Marquess of *Bath.*] Do you think that the tenants in Ulster generally, of all classes, are satisfied with the existing tenant right there?

I think that, taking the counties of Down and Antrim, which I know best, the tenants would rather there was no legislation at all upon the subject, because they know that no legislation would place them in the position which they hold with respect to the question.

2008. We know that large sums are given for tenant right holdings; are the sums larger in proportion to the largeness or to the smallness of the holdings?

The small farms command a much higher price.

2009. I suppose that, practically, with a farm of 100 acres, there is very little tenant right?

In a farm of 100 or 150 acres, I do not think that the tenant right would much, if at all, exceed the fair value of the improvements.

2010. *Chairman.*] If there was a house?

If there was a house.

2011. Marquess of *Bath.*] Tenant right is encouraged by small holdings, is it not?

There are more persons seeking for small holdings, and the competition for them is greater.

2012. *Chairman.*] Does much improvement take place under the system?

A vast improvement.

2013. Has it been going on of late?

It has been going on steadily.

2014. Do you think that, so far as regards the part of Ireland with which you are acquainted, it is quite a misuse of the terms "stagnation and misery," to apply them as describing the agricultural state of the country?

There is no such thing at all.

2015. Neither stagnation nor misery?

Neither stagnation nor misery.

2016. Earl of *Kimberley.*] You stated just now that you thought that it was not desirable to extend the tenant right of Ulster to the rest of Ireland; would you state your reasons for that opinion?

The objection to tenant right, which is very generally felt, and about which I do not myself go so far as many people do, is that it takes away from the tenants the capital which ought to go to the cultivation of the farm; and, with us, the better description of tenant farmers, and the more intelligent and the larger farmers, will tell you that they would rather that the English system were adopted with them; but the difficulty of that, of course, is the outlay. What they call large farms are not of the size of ordinary English farms, and in many cases it is not convenient to the owner to incur the outlay.

2017. *Chairman.*] Does the tenant-right custom much affect the rent?

No, not the fair letting value.

2018. Earl of *Kimberley.*] Do you think that the tenant-right of Ulster is injurious to the landlord's interest?

I do not think it is.

2019. You think that the injury is rather to the tenant?

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I think the injury is rather to the tenant, and the competition is between the tenants.

2020. What is the cause of the tenants of Ulster attaching so much importance to tenant-right?

They look upon it that they have expended a certain amount, either of capital or of labour, on the soil in which they have an interest.

2021. But is the payment for tenant-right generally a payment for improvements?

It is compounded of two or three ingredients; there is the improvement value to some extent; there is then the difference between the rent which the larger landlords generally charge and the rent which might be exacted by competition instead of valuation; and there is, besides that, something for the actual possession of the land.

2022. Do you think that it confers indirectly upon the tenant a greater security of tenure?

I do not think it does.

2023. So that, in point of fact, it is principally as payment for improvements and for the advantages of occupying farms for particular landlords, that the tenants attach importance to it?—Yes; and they will give something for the land even though the rent be high.

2024. Lord *Meredyth.*] For the goodwill?

Yes.

2025. Marquess of *Bath.*] If a tenant cannot be turned out without being paid a certain sum of money, that, of course, does give him greater security of tenure?

That is a right which is not recognised by law.

2026. But it practically makes it more difficult to turn a tenant out, does it not; it would be easier to turn a tenant out if you had to pay him nothing, than if either the landlord or the in-coming tenant had to pay him four, five, or six years' rental?

I do not think that the landlord would consider himself bound to pay him unless he was taking it into his own possession; he would say, "You cannot hold it any longer; you are going away; you are welcome to get me a tenant whom I can approve of"; but there is no claim upon the landlord.

2027. You think that there would be no more difficulty in turning out a tenant under the tenant-right system than there would be if there was no tenant right?

No more, and not so much in one sense; because, in the tenant-right system, a man goes away with something in his pocket; and, in the other case, he goes away without anything, and with, possibly, bad feelings towards everybody.

2028. Do you think that the feeling which you mention is ascribable in the counties of Down and Antrim to tenant right, or to other causes?

I think that it is very much attributable to tenant right.

2029. If it is attributable to tenant right, and does not exist in other parts of Ireland where there is tenant right, do you think that it would be advisable that tenant right should be extended to the rest of Ireland?

I scarcely know any part of the country in which there is not something of the kind; not so systematic and well defined as the Ulster tenant right, but under some name or other.

2030. Do you think that it would be desirable that the *quasi* tenant right which exists in other parts of Ireland should be extended, so as to become like the complete tenant right of Ulster?

I think not like the tenant right of Ulster; I think that, so far as any payment for improvement is concerned, it would be very well to introduce that.

2031. But if you introduce any system of payment for improvements, would it not inevitably result in the establishment of tenant right throughout Ireland?

It might not always be easy to ascertain what the exact value of improvements were?

2032. *Chairman.*] Supposing a tenant comes in and pays, say 50 *l.*, for the goodwill of a farm, and it is in good condition, and at the end of five years he very much deteriorates the condition of that farm, would you allow him to take as large a sum as he gave?

We have nothing to do with the sum he gives, or with what he gets. The probability is that he does not get so much, and that is one cause of safety in tenant right; that if the tenant does injure the farm by undue culture it is his own loss.

2033. Did I rightly understand your suggestion, that it might be well to put in this, or any other Bill on the subject which the Legislature might pass, some clauses saving existing tenant right?

I think that it would be very desirable if it could be done.

2034. That would be a recognition of tenant right by law; are you aware of any case in which it has been recognised?

I think not; but, so far as that goes, it is recognised in the Act of 1860, or in that of 1861.

2035. In what way is it recognised?

There is a clause providing that nothing contained in that Act shall interfere with any existing custom.

2036. Do you think that it would be desirable to establish that right by law, even where it exists by custom?

I think the landlords would object to that. The difficulty would be to define what it is; it is not the same on any two estates.

2037. Lord *Meredyth.*] Would not the tenants also object very much?

I think the tenants would also object.

2038. Because the Legislature would, in that case, have to lay down some definition of it, and that would in many cases interfere with the tenants' view of it.

Yes, and you would have to resort to some court to settle it.

2039. *Chairman.*] Then, on the whole, you do not think it desirable to establish it by law?

I should leave it where it is. I think that the tendency of the times is to make farming a more business-like matter; and the more it is looked upon from a business point of view by farmers who really are farmers, the less the tenant right will be.

2040. Marquess of *Bath.*] Did you state what the tenant right actually was in the parts of Ireland with which you are acquainted?

It varies very much.

2041. How often do you consider that you have a right under the custom to enter and re-value the farm?

There is no particular practice about that.

2042. What is generally the practice; is it done for a whole estate at one period, or is it done when a tenant dies?

It is done usually on the whole estate at one period. Of course, at the expiration of leases it is always done.

2043. With regard to tenancy-at-will, is it done all at one period over the whole estate?

All at one period.

2044. At what period of the year?

I do not think that there is any rule at all about it.

2045. You would not say, then, that in that part of Ireland the custom is to re-value every 21 years?

I think it would be a very fair rule, but there is no rule of that kind.

2046. You say that tenant right is not injurious to the land; with your practical

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practical knowledge of the value of the land, if there was no tenant right upon the estate, would you place a higher rent upon the farms; in other words, when you are putting a value upon a farm, does the fact of the existence of tenant right induce you to impose a lower rent upon the tenant than you would impose, supposing that there was no tenant right?

Certainly not. We have very many cases of that. There are many farms in which there is no tenant right. In the years 1847 and 1848, when the potatoes had failed, there were such large arrears that nobody would take the farms, and the arrears were therefore lost. Those farms are let again on the same scale of letting as the other farms. If not you would have the estate valued on a different principle, and have one farm at one rate, and another farm close by at another rate, which we rather avoid.

2047. *Chairman.*] Are leases common in the counties of Down and Antrim?
I do not think that many leases have been granted of late years.

2048. They are less common than they were?
The tenants do not care about them.

2049. Have you read this Bill which is before the Committee?
Yes.

2050. Are there any provisions to which you make any particular objection?
I think I would not do away with the right of distress.

2051. Do you think that that would be injurious to the landlord, or to the tenant, or to both?

I think that it would be injurious to the landlord, especially in towns with a small class of houses; and no doubt in the country too, to the landlords of those who hold merely a house and garden. Their landlord would very likely have a difficulty of getting his rent if there was no such power as that.

2052. Do you think that it is necessary to retain it for farms exceeding 20 or 25 acres?

I think it is a remedy which ought to be very sparingly used; but there may be cases in which it may be absolutely necessary. As the law stands, the right to distrain growing crops has been taken away, and the man cuts his crop and takes it away to an adjoining farm.

2053. Where it is exercised, do you think that it would be desirable to require that it should be put in force by a public officer of some kind?

That would be a decided improvement.

2054. Is there any other point to which you would direct particular attention?

I would not do away with the power of redemption.

2055. Do you not think that it would be better to extend the period for which notice of ejectment is given, and then to make the possession of the tenements absolute, than to give up possession of the tenement, and allow the tenant the period of six months to re-enter?

There are many cases in which the tenant, or the mortgagee, would have no notice until he heard that the sheriff had taken possession under the decree, and that he was ousted.

2056. But would it not be better to postpone the execution of a decree than the present practice, whereby a person gets into possession and is unable to deal with the property in any satisfactory way for six months, because he cannot be sure that he will be able to retain possession?

The farm can be let, subject to redemption, for six months.

2057. But during those six months you could not expect the tenant to make any improvement?

No, but he would crop the ground; and in the case of redemption, he would be paid any expenses.

2058. But he could hardly take up his residence at a place out of which he and his family would be likely to be turned at the end of six months?

In such cases it very often happens that the tenant who has to succeed and be the tenant, holds the adjoining farm, and must take the farm, subject to redemption

tion at six months, because you are always open to the contingency of the farm being redeemed. Then he becomes the continuing tenant.

2059. But does not that practice of redemption, when it does occur, occasion inconvenience and loss?

I have never found any inconvenience. It does not apply to ejectments or notice to quit.

2060. You do not think that the farmer suffers by it?

No, I do not think so.

2061. Lord *Dunsany.*] With a stock farm how would it be?

It would depend very much upon the time of the year.

2062. Lord *Meredyth.*] Do you think that it would be considered a harsh proceeding to take away that power of redemption?

I think that it would be undesirable for two or three reasons. In the first place I think that you would shake the value of the investment. If, for instance, a man wishes to take a lease to build a house and you make the circumstances attending that too stringent, I think you will rather deter him from undertaking it. A case occurred very lately of a man who built a house, and he went to America; he left his sister in charge; there was nothing due but the ground rent, but his sister was a very undesirable person to have there, and I had an ejectment brought and the decree executed. The real owner being in America and having had no notice whatever, within the six months sent the money home and redeemed the premises, otherwise he might have lost that house altogether if it had been insisted on.

2063. But you might provide against any surprise of that kind beyond what exists at present, by making six months necessary before the execution of the decree, or by giving six months' notice; but surely it is not well to have a state of law which shall encourage or even allow persons to treat a holding under a landlord in the way which you describe this person did?

It might be very inconvenient to be obliged to hold over the decree for any great length of time, because you might lose the cropping of the farm for the year. If you take a decree in the month of January, and are obliged to hold that over for six months, it brings it to the month of July.

2064. During which time the tenant would be liable for rent?

Yes; but if he was the class of tenant against whom you would have an ejectment decree, probably your chance of rent would not be very great, and in the meantime the man who was to be the incoming tenant could not get his crops sown, and I do not think that would be desirable. Then, with regard to the question of redemption, there is the mortgagee to be considered. A mortgagee has lent his money, and he gets no notice whatever of any proceedings, and the first intimation which he would have would be hearing that the decree had been executed, and that his security was gone.

2065. There are some very small holdings in the county of Down, are there not?

Very small.

2066. Setting aside any difficulty as regards the tenant-right question, do you think that there would be, practically, any difficulty in getting those tenants to sign a written contract?

I think not.

2067. Would you register that contract?

Yes.

2068. Whether it was small or large?

Whether it was small or large.

2069. Do you think that there would be any great difficulty in providing a system of registration?

I should think not.

2070. *Chairman.*] Would you have the registry in the Quarter Sessions Court and in the Petty Sessions, or in the Quarter Sessons alone; would you make the clerk of the peace registrar in the last instance at Quarter Sessions, and the clerk of the Petty Sessions registrar at Petty Sessions?

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I think it might be done through the clerks of Petty Sessions; they are now, generally speaking, a better class of officers than they were formerly, and I think that they should be bound to give in the contract to the clerk of the peace, or to whatever person might have the custody of it.

2071. Lord *Meredyth.*] Down to what value do the holdings in the County of Down go?

They are from one acre to 300 or 400 acres.

2072. Are one acre holdings very common?

Not so common as they were. It is a curious circumstance that taking Lord Downshire's estate, in the part which I have immediately under my own management, and comparing what has been going on in the way of consolidation for the last 14 or 15 years, the very same thing has been occurring there where we have no ejectments, and where we have literally no arrears of rent as has been going on in the south and west. The turning point is very much the same. The farms below 15 acres have decreased, and farms above 15 acres have increased.

2073. Generally speaking, is there a house on those one-acre farms?

Yes, there would be a house on the one-acre farms.

2074. *Chairman.*] Do you think that it would be possible to legislate so as to confine our enactment to a higher class above a certain number of acres, and make a different law of tenancy for labourers, such as I presume you consider a man to be who has a house on an acre of land; or, in speaking of one-acre holdings, did you mean a better class of houses near a town?

There are instances of people who are not labourers, who are weavers. There is a great deal of weaving in the county of Down, and there are many instances of people with small patches of ground.

2075. Is there much hand-loom weaving going on there now?

Yes, a good deal, but not so much as there has been, and that is one reason why the change has taken place in the small farms. The young people go into Belfast, where the power-looms are very much supplanting the hand-looms, and where they get from 15 *s.* to 20 *s.* per week wages, and the old people, all of them, after a time, find that they cannot manage the land, and they part with it and go into the town to their children.

2076. Marquess of *Bath.*] Then they would depend upon other resources than agriculture, both for their employment and their work?

Yes, those very small people do so.

2077. Then you may attribute the prosperity of that part of the country to other than merely agricultural causes, may you not?

The manufactures are a very great help.

2078. And they increase the prosperity of the land generally?

No doubt.

2079. *Chairman.*] How is the tenant right dealt with in cases of bankruptcy; have the Courts ever asserted a right to dispose of the tenant right for the benefit of creditors?

Not without permission.

2080. Permission from whom?

Permission from the landlord. I do not think the Courts ever asserted a right to dispose of the tenant's right.

2081. Has the landlord much power over the distribution of the proceeds of the tenant right. In the estate with which you are chiefly concerned, I understood you to say that the landlord left that to be entirely settled between the incoming and outgoing tenants?

That is as to the amount. In a case where a man is known to be in debt, we usually make it a condition that he shall let his creditors be paid.

2082. If he refuses that, and claims to have that right, what happens?

Then we refuse to let the farm be sold.

2083. And then to whom does the money go?

There is no money in that case; he must remain on the farm.

2084. But

2084. But if you want to get rid of him, and he is an insolvent tenant, what do you do?

If he does not pay his rent, then I eject him for non-payment of rent; but if he does pay his rent, he remains.

2085. Do you not get any sum then from the incoming tenant?

If he came in to dispose of his farm, he would be told that it must be subject to the disposition which might be made amongst his creditors; if he said that he would not do it, he must stay where he is upon the farm; but that never happens, as a man in that position is not likely to be able to pay his rent, and in that case ejectment is brought, which forces him to an arrangement.

2086. Was there not a case in bankruptcy this year in which that question was mooted before the courts in Dublin?

The question in that case was as to giving a preference to one creditor over another. The Bankruptcy Court decided that that could not be done.

2087. Lord *Meredyth.*] Even as regards the landlord?

I believe the law to be, that conditions may be made upon which the sale of the tenant's interest is permitted, but if no conditions be made, the tenant has the disposal of the money; and in that case it may have been considered as a fund for which the bankrupt was bound to account. The landlord is always paid his arrears.

2088. *Chairman.*] But the Bankruptcy Court did not obtain possession of the funds to divide them, did it?

It would appear that in that case the Court considered they formed part of the assets, but I do not know the particulars.

2089. Do you know whether there has been any interference by the Bankruptcy Court?

I know that they have applied to me, or rather the solicitor acting for the assignee has applied for permission to dispose of the tenant's interest in the farm.

2090. What was the result in any case which you happen to recollect?

The result in one case was that this was said, "If you give me a good tenant, I will not interfere with the course of law; but I must have the selection of the tenant who comes in."

2091. But it was sold, and the proceeds were allowed to be distributed?

It was sold.

2092. Were the proceeds distributed under the supervision of the landlord or by the Court?

In that particular case, as it was under the Court, the landlord had nothing to do with it.

2093. Lord *Meredyth.*] But the arrears of rent were secured?

The arrears of rent were secured.

2094. *Chairman.*] Does the landlord practically interfere in most cases beyond the arrears of rent?

Not except in those cases which I have mentioned, where there are large debts.

2095. Does he interfere then?

Very frequently. A very strong case occurred very lately: there was a man who had bought a farm, and he had borrowed the money from his mother-in-law and brothers-in-law; he failed and became insolvent, and if I had not interfered he might have gone away with 650 *l.* in his pocket, which he had borrowed to buy this place. He having passed the Insolvent Court, if I had not interfered, there would have been no remedy, and his mother-in-law and his brothers-in-law might have lost the money.

2096. Is there any other point to which you wish to direct the attention of the Committee?

I think not.

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to To-morrow, at One o'clock.

Die Martis, 16° *Julii*, 1867.

PRESENT:

Marquess of BATH.	Earl of KIMBERLEY.
Earl of CLARENDON.	Lord DUNSANY.
Earl of LUCAN.	Lord SOMERHILL.
Earl of ROSSE.	Lord CHURSTON.
Earl GREY.	Lord MEREDYTH.

THE RIGHT HONOURABLE THE LORD SOMERHILL, IN THE CHAIR.

CHARLES WILLIAM HAMILTON, Esq., is called in; and Examined as follows:

C. W. Hamilton, Esq.
16th July 1867.

2097. *Chairman.*] I BELIEVE that you are extensively engaged in the management of estates in Ireland?

Yes, I have the management over about 56,000 acres.

2098. In what counties?

In Meath, West Meath, and Kildare principally. I have had a good deal of experience in Clare, but not now.

2099. Do you consider the present law as between landlord and tenant satisfactory; or do you consider that it requires amendment?

I think that it is very unsatisfactory, and that amendment would be most desirable.

2100. Will you state in what points amendments are, in your opinion, most wanted?

I have long felt that the misunderstandings which constantly arise between landlord and tenant upon the subject of the terms of the tenancy have led to a great deal of the ill-feeling which exists in some parts of Ireland; and I feel satisfied, in my own mind, that if landlord and tenant were always brought together to define the terms of the tenure, before tenancies were either entered upon or renewed, and if that definition were reduced to a written contract, it would be a pouring of oil upon the waters in Ireland more than anything that could be devised in law.

2101. I understand you to be extremely favourable to contracts in writing?

I am. I think that it is the foundation of all good feeling between two individuals upon any subject, that there should be no loophole for misunderstanding as to what each of them intends or has intended; and that it would be, in every way that I can consider it, of the utmost advantage, both to the landlord and to the tenant, to have the contract clearly defined.

2102. Do you extend that to agreements for compensation and improvement, as well as for the actual tenure of land?

I think that it is there even more important, if possible, than as to the tenure of land; because there is a great difficulty, as I have often felt, when a tenant has said to me, "I am going to lay out a certain sum of money; can you give me the money?" I am sometimes obliged to say, "The landlord has not the money to spare for such a purpose; but if you will lay out the money I will put such an

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endorsement upon your lease, or contract, as will secure to you the full advantage of the money which you have laid out." I find the greatest difficulty in making such a contract, and in knowing whether it is done in conformity with the law, or in such a way that it could be enforced by law, and therefore it is that I feel it to be so very important that all those compensation agreements should be made before the work is completed; and that they should start with a clear understanding of what will be the relations between the landlord and the tenant as to the terms of compensation at any future period in which they may dissolve their connection.

2103. You do not think, I apprehend, that a tenant would have sufficient power of enforcing whatever compensation agreement was come to by the process which you adopt, of a simple endorsement upon his lease, where he has a lease?

I do not think so. I think that there is no way of accurately defining it at present.

2104. How far would you go in enforcing written contracts as between landlord and tenant, relating now to the tenure of the land?

Relating to the tenure of land, my feeling is, that I could not possibly go too far, because I should be very glad to see the whole of the agreements necessarily resting upon written contracts. How far it might be expedient to leave a loophole for the accidental omission of a written contract, I would rather leave to the lawyers to suggest; but I am in favour of everything being written.

2105. Have you read the Bill which is before the Committee?

I have.

2106. It is proposed by that Bill, as you will have observed, that at the expiration of two years, where a tenant holds land without any written contract, the landlord should be barred from recovering any arrears of rent, even in the superior Courts, although the possession of the property would of course be open to him to claim and enforce in those Courts; do you think that that is going too far?

I do not; but not being a lawyer I may perhaps be a little too strong in favour of its being so; my own opinion is, that it would not be going too far, because the Legislature thereby does not interfere with the right of the landlord to make any contract which he chooses; but it might be supposed to say: "We see a great deal of litigation and a great deal of bad feeling arising from the misunderstandings which occur from the want of written contracts; and therefore we say we give you the advantage of the law, provided that you give us the advantage of having what you clearly wish us to support you in, defined by written contracts."

2107. You do not consider it, then, to be going too far, that you should shut out both landlord and tenant from a cheap procedure in the Quarter Sessions Court, which would be given to others who have made those contracts?

I do not think that it would be at all going too far.

2108. Are written contracts the general rule, or are leases the general rule, in the part of Ireland with which you are best acquainted; or is land held without a lease?

Most land is held without leases. My own experience over 1,219 tenants is, that there are only 275 leaseholders, all the rest being tenancies-at-will.

2109. And at will by parole agreement only?

By parole agreement.

2110. Have many of those tenants sought to have leases, or contracts in writing?

I do not think so. Except in instances where a man has built a house, or offices, and wants to have some security for the enjoyment of his outlay, and comes to me to ask for a lease, they are wholly indifferent as to whether they have leases or not.

2111. They do not look for a lease so much for what may be called fixity of tenure, as for what may be called compensation for improvements?

That is the case.

2112. Do you think that the cost of a lease has anything to do with their reluctance to come forward and ask for one?

Decidedly. The costs are excessive; and I have had frequent instances of tenants leaving their leases and refusing to take them out, on account of the excessive costs which are demanded. I could give one instance of a tenant now, who only pays between 30 *l.* and 40 *l.* a-year rent, and who was under a good landlord; he was offered a lease, and the attorney's costs were between 13 *l.* and 14 *l.*, and the tenant said: "I will not pay this; I am under a good landlord, and I would rather not pay such excessive costs." But going to the attorney at all, and bringing him in as a necessary charge upon the tenant, appears to me to be a very great difficulty in the way of leases being given, which I should very glad to see done away with. Some years ago, when stamps upon leases were very excessive, your Lordships may remember that the Government allowed a particular form of lease, which was printed by the Government, to be issued at a one shilling stamp. I at once gave a great number of leases of 21 years upon those forms. I do not know what the number was elsewhere; I have never been able to get any return, but I believe that it gave a great stimulus to leases being given; but then came a discovery, of which I was not aware, that nobody but an attorney could fill up those leases; and therefore they were again put in the attorney's hands, and that form of lease gradually fell into disuse, and I believe that Act was repealed.

2113. Earl of *Clarendon.*] But was it required in the Act of Parliament that it should be filled up by an attorney?

No, there is another Act, which is in existence now, which prevents anyone from filling up a lease, except an attorney, for fee or reward. Now, it is perfectly true that I have filled up those leases, and of course without any charge to the tenant; but it was said that the fees which I received as an agent constituted a fee or reward; and that therefore I was incapacitated from making the arrangement. Therefore I look upon a small stamp, and its being in the power of any one to fill up his own agreement, as being one of the most essential parts in the proposed Bill.

2114. Lord *Churston.*] The landlord might have filled that up himself, might he not?

He might.

2115. *Chairman.*] Do you recollect the date of that Act?

9 & 10 Vict.

2116. An attorney therefore, under the present law, must be called in at some stage of the proceedings for the legal execution of a contract for the tenure of land?

Yes.

2117. Does that apply to contracts for compensation agreements?

I have never been able to see a compensation agreement which a landlord would like to work upon, or that I myself would suggest as one which would not lead to future litigation. I have never seen a clear compensation agreement suggested, and therefore I am ignorant on that point. I think that it would be most desirable that there should be one.

2118. Did that expense of 13 *l.* or 14 *l.* which you have mentioned, depend upon the value of the farm which the man held, or would it have been the same if he paid only 10 *l.*, or 5 *l.*, or 100 *l.*?

It would. The smaller difference would be the stamp duty; but the two guineas for a lawyer's opinion, and the different fees which the attorneys charge, work it up to a very large sum.

2119. And those are the charges now, are they?

Yes. You can get them lower by private agreement with attorneys; you can get them in small cases to give leases for 3 *l.* or 4 *l.*, or something of that kind; but up to that they vary very much, and in every case it is a difficulty in the way of a tenant getting a lease.

2120. And you believe that if that was done away with, and if there was no necessity for calling in the aid of an attorney, leases would be more generally taken than they are now?

I think

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I think that if it were made a clear advantage to both parties to have them, they would be very largely adopted; but I must say, that having been during my whole life anxious to see leases granted, and having given a great number of leases during the last few years, my opinion and practice have been wholly altered by finding that the Legislature *ex post facto* interfered with the covenants which were put into leases to such a degree, that it became exceedingly injurious to the interests of the landlord. For instance, the most important covenant in a lease is, that a man should not alienate to a stranger without consent of the landlord, because a landlord, having chosen a good tenant, does not like the idea of having, perhaps, a very mischievous man, or perhaps a man of very bad character, pushed in upon him in occupation of his land. At the present moment the clause against alienation stands until the man either sells in the Landed Estates Court, or becomes bankrupt; and if he becomes bankrupt, the Judge of the Court of Bankruptcy can order the land to be sold to the most objectionable tenant, in total opposition to the wish of the landlord.

2121. Earl *Grey*.] You mean that the judge can order the tenant's interest in the land to be sold?

He can order it to be sold, and in that way a most objectionable tenant can be brought into the immediate neighbourhood (as I could illustrate) of a landlord who had thought that he was sufficiently guarded by the non-alienation clause in the lease when he executed it.

2122. Is it ever the practice in Ireland to put a clause into leases by which they become void in the event of the lessee becoming bankrupt or insolvent?

I have done it within the last few years; but that does not affect all the leases which were made in past times, in the full confidence that a man was making a lease the covenants of which he had a right to enforce.

2123. Lord *Meredyth*.] Has the projected legislation of past years caused you to hesitate in advising the granting of leases?

Decidedly; the Bills which have been brought latterly before the House have not only prevented me, but prevented most of those with whom I associate and converse upon the subject, from entering into any engagement of which they do not see the result clearly before their eyes.

2124. *Chairman*.] Will you state of what character is the legislation at which you and the gentlemen to whom you refer are most alarmed?

Of course there are details in all that which would alarm anyone, I think: for instance, there is the possibility of a man having his land let to him, at a very low rent, from personal considerations; and his being by any means able to extort from his landlord an adverse possession of that land for 41 years, would be sufficient to make anyone hesitate as to tying himself down to want the power of enforcing opposition contracts, as it were, against the tenant.

2125. Enforcing it, I presume you mean, by eviction?

Either by eviction, or by devising such contracts and such agreements as would neutralise the possibility of anyone having his property taken from him and put into the power of the tenant, adverse to the landlord's interest and wishes.

2126. Lord *Meredyth*.] Do you allude particularly to the power of making improvements without giving notice to the landlord?

I do; and having a 31 years' claim upon the land, if he is not paid off what may be an undefined and arbitrary sum, to be determined by other than the parties concerned.

2127. Then you think even the prospect of such a law has had the effect of preventing the giving of leases in Ireland?

I think that anything that would take away from the landlord any portion of his free action in disposing of his own property, and controlling the uses made of it, would have the effect of preventing him from entering into long agreements, which might have the effect of alienating it.

2128. Earl *Grey*.] I presume that, in the event of there being no lease, and the land being held from year to year, the landlord could always protect himself from

from improvement being forced upon him by his tenant, by giving notice to quit?

Certainly.

2129. And with the prospect of legislation which would enable a tenant to make improvements of which the landlord would not approve, without his consent, the landlords are afraid to deprive themselves of that protective power?

Certainly; I have often thought with horror of the effect that any such stringent power given to the tenant as against the landlord would have in leading to evictions and disagreements and bad feeling between the landlords and tenants throughout the whole country.

2130. You think that if such a power were granted by Parliament to tenants, landlords would be driven to resort to very severe measures for their own protection?

They would.

2131. And that the effect of such a provision would be to create a bad feeling between the two classes?

Decidedly.

2132. *Chairman.*] You must, I apprehend, have read a good deal of declamation and of strong writing about the state of feeling in Ireland generally between landlord and tenant; do you believe, or so far as your experience has extended do you know, that there is any such general bad feeling of class against class between landlord and tenant throughout Ireland?

No, there is not. I visit many parts of Ireland with which I am very well acquainted, and I believe that, except in a few cases in each county, which are worked up by professional agitators, the feeling between landlord and tenant is satisfactory; that the landlords are doing as much as they possibly can for their tenantry, and that the tenantry know this; and there is hardly a case that I have known where a good tenant comes forward to his landlord, and asks for help, in which he is refused it; he gets it in some way or other.

2133. Have you had occasion to observe that such disagreements are more common, in proportion to the extent of land owned, where the owners are new purchasers under the Landed Estates Court, under the general change of property which has taken place to a considerable extent in Ireland of late years, than in the case of the older properties which have not changed hands?

I have no doubt that such is the case, from general information, but not from my own particular information; because I have no experience in the management of lands that have been so bought. The properties with which I have been concerned have been chiefly those which have been not only very long in the possession of the owner, but which have been under the sole management of myself, and of my father before me, during the whole of this century.

2134. So far as you have observed, have not those circumstances arisen from the new purchaser not understanding the habits and customs of the people and of the country?

Yes; and I believe that is one reason why English people who sometimes have tried to apply English customs to Ireland have invariably failed, and, with the very best intentions, have not done the good that they fully intended to do. It requires a great deal of knowledge of the peculiarities of disposition and habits of life of the Irish tenant to know where a little advice may sometimes do more good than a grant of money; and a little care exercised in seeing that the family are brought up and provided for properly, and that there are no quarrels, by a word from the landlord or his agent, will be often effective where law would not succeed; and therefore I think that it is the habit of knowing the character of the people which enables Irishmen to deal with Irishmen a great deal better than Englishmen can.

2135. Do you think that any statute could be enacted which would enforce obedience on the part of a tenant, and forbearance on the part of a landlord, by a sudden change of custom?

Certainly not. It would only aggravate the evil, and occasion intense feelings of distrust between landlord and tenant. The strong feeling among the Irish tenantry is confidence in their landlords; and the great evil is where that

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confidence is tried to be upset by foolish speakers, and I may say by foolish provisions in Bills that never, probably, either could, or would, or were intended to, become parts of the legislation.

2136. I apprehend you are not surprised that a tenant should feel much excited at being, without any good reason, turned out of a farm that he has held for a very long time, because a landlord should think it more convenient to him, or more for his benefit, to change the tenure of that land; that is natural is it not?

It would be perfectly natural; but it is an instance upon which I cannot speak, because I have never yet known a tenant turned out, either on the properties I manage or on those adjoining me, except for non-payment of rent have heard of two instances, which are the stock grievances in Ireland, but, as far as my own experience goes, I have never seen a tenant turned out, except for non-payment of rent.

2137. Do you think such cases are sufficiently common to justify any law affecting the fundamental and constitutional laws of property in England and Ireland?

Certainly not; I believe that they are very rare exceptions.

2138. Earl of *Clarendon.*] Have you often known tenants give up their holdings for the purpose of emigrating?

Yes; I have myself bought out a great many tenants. When the population were under such difficulties after 1847, the only way that I saw for improving the condition of the properties was by diminishing the number of tenants, which I have done to a considerable extent; but it has always been voluntary upon their part, they being forgiven the rent that they owed, and everything being done to make emigration comfortable to them; it was the only hope we had of their future being better than the past had been, and we have assisted in it largely, and I continue to do so.

2139. But a man who is solvent, and who pays his rent regularly, does not emigrate, to your knowledge, does he?

No, certainly not; they cling to the land with great force.

2140. But still there have been many, have there not, that are well to do, that is to say, that are able to live in Ireland, who have been induced by the accounts of relations in America, and by the remittances they have received, to give up their holdings and go abroad?

Very few have been induced to give up their holdings of any extent where the younger members of the families go, but there is generally a representative left to hold the land; they do not like getting rid of that. Emigration goes on, and it goes on most desirably. As to evictions, I can state one instance that happened to me within the last month, where there were two leases of half an acre of land each; those had been long leases, but the middlemen had pauperised this acre of land to such an extent that there was constant illness and cholera during the last year, and every evil that was possible to happen to people happened to the people that were in those houses. I, for the landlord, bought up the interest of those leases; I paid money, and they voluntarily gave them up; I then paid money to the tenants, and either provided other houses for them or paid money to them to go away. Every one of those tenants went away with goodwill, and the 21 houses were thrown down. Now that would appear to be a case of eviction, but it was no case of law at all; it was merely a case of purchasing people out of misery and putting them into a state of comparative comfort.

2141–42. *Chairman.*] I apprehend that in that particular case, and in some others which have come under your observation, although you were perhaps not directly connected with them, if you had made the people a present of the fee-simple of the land, they could not have lived upon it?

They could not possibly.

2143. Still less could they have paid rates, letting alone rent?

Not the rates, letting alone rents.

2144. That, and such cases as that, you have, perhaps, seen represented as "extermination"?

Exactly;

Exactly; whereas I believe the people would have been in a worse position if they had had the fee-simple.

2145. Earl of *Clarendon.*] You stated that emigration was proceeding desirably; do you think that emigration in the manner in which it has proceeded of late years has been beneficial to Ireland, so far as your observation goes?

Certainly.

2146. And that it has not been more than was required by the state of the country?

I do not think it is enough yet. As long as the labourer is in the condition he is in at present, I do not think that emigration has gone far enough.

2147. Has the emigration which has taken place produced any sensible effect upon the rate of wages?

It has considerably raised the wages, but not sufficiently yet to really affect the wholesome condition of the labouring population. My view upon that is very clear; that, unless a labourer is employed every day in the year which is a working day, it is impossible for him to live comfortably. I think, from all the inquiries which I have made into their mode of living, that a labourer and his ordinary family cannot subsist in comfort under about 24*l.* per annum, earned by himself and a child or two. The great blot upon the condition of the labourer now is, that the farmer has always been accustomed to employ the labourer only for the periods in which he cannot absolutely do without him; he employs him during the spring and summer months, and at harvest, and then he gives him, perhaps, high wages, and complains that there is a scarcity of labour, because he is obliged to give him high wages; but even if he gave him 3*s.* or 4*s.* a day for those times, and then pushed him off to live as he might for the other eight or nine months, if you average those wages, you will find that it produces as low a rate almost as we ever had; and I do believe that the origin of the wretched hovels in which some of the labourers live is, that they really spend the winter living upon next to nothing, and getting very little employment. Then the way in which I would use that argument in favour of emigration is this, that until the farmer feels that he cannot go on until he has arranged the cropping of his farm in such a way as to enable him to employ profitably the same man with his family all the year round, he would not be induced to exert himself to put him into a comfortable dwelling; but the moment that he has made up his mind that it is necessary to do that, the very first, and the cheapest and the easiest, temptation which he will offer him not to emigrate, but to stay in the country, will be to provide him with a comfortable house and a little garden.

2148. *Chairman.*] Is it not usual for permanent labourers to have a garden in most of the places in Ireland with which you are acquainted?

As soon as they become permanent labourers you find that they have one in every part of Ireland; I might quote instances; I may quote the instance of one proprietor, Mr. Naper, who within the last few years has built 90 stone and slate labourers' and artizans' houses, and has put 10 into good condition from having been very bad, so that he has provided 100 labourers' houses, and has reaped the full advantage from having done so. That is a large instance, but there is no one who travels through Ireland and does not see that every here and there those comfortable little cottages are springing up; and I believe that the reason of their springing up is not philanthropy, it is self-interest; it is because the proprietor or the farmer feels that the labourers will go from him if he does not make them comfortable. I do believe that that is the only sure ground which we have for the improvement of the labouring population; and that, unfortunately, we cannot hope for that to obtain very generally until labour is so scarce that the farmer will be driven in his own self-interest to do that which he ought to do towards the people.

2149. Earl of *Clarendon.*] Then you would attribute a great deal of this improvement which has taken place, and which is taking place, in making the labourer more comfortable and more reconciled to his position, to emigration, which has increased the price of labour, and therefore made the farmer more chary about retaining it in the country?

Yes; and that we no longer have people coming from different parts of Ireland flocking

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flocking down to us just to reap our harvest, and go away again as if they had flown from the sky, without our knowing anything about what becomes of them. We are obliged to see if we can collect people about us that will do the work; and I believe that until the farmer, or the landlord, the employer, looks into the condition of the daily life of the labourer, and sees and makes himself master of what money will keep him in comfort, we shall have the same state of things in Ireland which exists now, and we shall have a wretched labouring population. But I fully hope, from everything which I see, that that evil is being remedied as fast as possible, and the more emigration goes on the sooner it will be remedied.

2150. *Chairman.*] Do you think that the emigration which has taken place as yet has diminished either the productive power or the actual product of the land in Ireland?

Certainly not.

2151. Earl *Grey.*] Do you mean to say that you think that emigration has not been carried to such a point that there is a deficiency of labour to improve the resources of Ireland to the utmost?

I do not think that it has.

2152. *Chairman.*] Have you observed the provisions in this Bill relating to the law of distress; and do you think that that law might be abolished or modified with advantage?

I have, all my life, been very much opposed to the law of distress; I very early gave up having anything to say to it. I think that if you give a summary remedy for the possession of land when the tenant is no longer able to cultivate it with profit to himself or to his landlord, it is useless to have such a harassing and difficult machinery as the law of distress gives.

2153. Supposing the land to be let by contracts, do you see any objection to inserting in a contract a provision that recourse may be had to distress in case of a defaulting tenant?

I have seen the clauses to which your Lordship refers, and I see no objection to distress so modified that it brings it into exactly what we have at present in Ireland. Now, if you choose not to distrain, you have the power of proceeding by civil bill against the tenant, and the decree will be put into the hands of the sheriff, and the sheriff will be obliged to distrain for you. That is much more like the Scotch system; but what I have the strongest objection to, is the whole system of coming down suddenly upon a man, or a dozen men, in a place, and turning their beds and tables and chairs out into the street, and selling them for a nominal sum, in order to produce the rent; and I do not think that, where the landlord has the power of saying to the tenant, "You shall not occupy my land or house, except upon the condition of paying the rent which you have covenanted to pay," that is necessary or desirable. It gives rise to a great deal of petty variance, and, unfortunately, very often throws the action between an under class of bailiff and the tenant, which ought to be aboveboard and between the landlord and the tenant, upon their written agreements.

2154. Would you extend that opinion and that answer to the cases of houses in towns?

I would rather not answer that question, because I have had very little experience as to the actual practice. I have no experience of houses in towns, such as Dublin; but as to the theory, I cannot understand why, giving the facility, that is given in market towns now, and the power of getting out a man on a month's notice to quit, should not entirely take the place of the distress. A man ought to be able to make up his mind as to whether his tenant is a tenant whom he ought to keep past the next week, without going to the vexatious system of selling out all the little property which the tenant has.

2155. I think that in some publication which you have printed, you have referred to the tenure of land abroad; are you acquainted with that subject?

I have studied it a good deal.

2156. Do you know any cases which are analogous to the Irish tenure of land, or which can be put fairly in comparison with it?

No; the great feeling in France has been to get rid of the *métayer* system where

where the landlord and tenant go shares in the cost of cultivation and crop, and to introduce our system of written contracts or leases.

2157. Is it not the fact that, in France, holdings under leases have been in many cases substituted for the *métayer* system?

It is going on rapidly in the whole of the south of France; they are changing it most rapidly. There is hardly an answer to the questions of L'Enquete Agricole which I have not read, and there is hardly one of the Commissioners which have not reported strongly in favour of leases as against the *métayer* system.

2158. It has been suggested by some persons, who considered themselves authorities upon the subject, that the introduction of small proprietors in Ireland would be a great benefit; are you aware how the small proprietorships have worked as respects agriculture in France?

Entirely to the disadvantage of the landlords, the tenants, and the country generally. There is no doubt upon that. I speak strongly upon that, because that is my opinion, not only from what I have myself seen, but because it is the opinion which is expressed in almost every one of the answers to the questions of the Commissioners during the last year. Those answers state that it actually has been the ruin of the poor proprietors. The holdings have become so small that Monsieur Lavergne attributes the fact of one-half of the population of Lille being paupers, to the extreme subdivision of the land.

2159. Is it a fact, that even those who are not of the very lowest classes are constantly embarrassed by being in debt to usurers and others?

It is, and that is the necessary result of the law of France, which obliges the land to be treated as personal property and divided between the children. There is no way in which the eldest son can, for any time, even for one generation, hold his inheritance, except by borrowing money and mortgaging the property for the portions which he has to give to the other children. That is constantly done, and the consequence is that it holds on for a generation, and then the large properties are sold.

2160. Is it possible for a proprietor so situated to undertake any considerable improvement?

Certainly not, because he is always exactly in the position, which I have often heard proprietors allege as an excuse for their not laying out money. They say, "We are only life tenants." A man will say, "I am only a life tenant, and I have no son; I do not care who the rest goes to; why should I lay out a large sum of money?" That was said to me the other day by a very large proprietor in Ireland. Every one in France is in exactly the same position, because he does not know whether, in the second generation, the property will not all be dissipated; and, of course, as no doubt your Lordships know, the strongest feeling in every man's mind, and which keeps him from dissipating his property, is the wish that those coming after him shall be able, not so much to have the money which contributes to his enjoyment, as to be able to continue in the position which he and his ancestors before him have occupied. It is the strongest inducement to economy.

2161. Have you had occasion to observe at all the condition of the peasantry in the rural districts of Germany?

No; it is too long since I have been in Germany for me to answer about them. Though I have been there a good deal, at that time I did not go to inquire about them, as I did when I was in France. When there, I visited a good deal at the houses to test what I had read in the agricultural journals, and in different places.

2162. You are probably aware that emigration has gone on, on a very large scale, among the lower classes in Germany?

On a very large scale indeed; but that is easily explained, because they are squeezed out of the land; they cannot stay there any longer when the property is divided to such an extent.

2163. When you were in Germany did it come within your cognisance that any system was pursued by the local governments expressly to make emigration more difficult?

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No; my mind was not turned to that subject when I travelled in Germany as it has been lately.

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2164. Earl *Grey.*] Do you know whether the state of the law with regard to the division of property does or does not create much difficulty in the purchase and sale of land?

Yes; I have written in the recent journals upon Monsieur Lavergne's work, in which he states, that although enormous prices are given for the possession of land, yet the effect is that the owner of it becomes poorer; and if he chooses to rent it, he rents it a higher rate.

2165. But does not the state of the law oppose great difficulties to the purchase of land by persons who wish to embark on a large scale in the trade of agriculture?

It does, decidedly; because the man knows that if he has made 100,000 *l.*, and if he buys a property with that, he loses all control over the future disposition of that property, because if he invests it in land, the Government comes in and says, "You must give an equal portion to each of your children."

2166. But independently of that, is there not this difficulty: that as the law requires an equal division of the property upon the death of the proprietor among his children, it is often difficult to prove in small properties whether one of the children who may be away, may have alienated his share, and that there comes, therefore, to be as much difficulty in making out a title to land in France as there is in countries where the most complicated systems have obtained?

Certainly; that is the case.

2167. I believe that the law is, that a man must not only divide his property equally at his death, but that he is debarred, except under great restrictions, from selling his land, even before his death, for fear of injuring some of the children for the benefit of the others?

I am not sufficiently informed upon that point to be able to answer the question.

2168. Earl of *Clarendon.*] Do you not think that that extreme subdivision which obtains in France is prejudicial to the interests and progress of agriculture?

Certainly.

2169. Do you consider that agriculture is in a backward state in France compared to other countries?

Certainly, very much so.

2170. And you would think that one of the main causes of that was the great subdivision of property?

Certainly; and that has been alleged in answers to the commission in the different departments of France.

2171. Do you know that those commissions have recommended the consolidation of farms, as far as possible?

The report has not been published yet. It has been going on the whole of the year, and I take the Journal of Agriculture, in which there is always an abstract of the answers given to the different commissions; and in that way I have informed myself all along of the question, besides speaking to people who were well informed in the south of France.

2172. Have you had any means of comparing the agricultural products of France in the beginning of the present century, and at the present date?

Merely what is given in the returns published by Monsieur Lavergne, according to which there is no doubt they are increasing very much in certain districts. In certain districts, where the subdivision of land has obtained to a great extent, they are in great misery; but in places where farms have been allowed to be extended, from there not being subdivision, they are improving very fast in their cultivation.

2173. Do you know about what the extent of those farms is, where you say that the subdivision has been checked, and that they are consequently more prosperous?

Yes,

Yes, in parts of Normandy and along the Loire, they have farms of from 500 to 1,000 acres.

2174. *Chairman.*] Is it not a well-known fact that in the case of all drainage, on a large scale in France, or of any other improvements in waste land, or heather land, or bad land, either the Government of the State, or of the commune, or of the province, has been called upon to assist in, if they did not entirely effect, those improvements?

The great improvement, for instance, in the Landes, near Bordeaux, has been effected partly by the communes having made over their interest to the Emperor, and he has been the actual improver of the whole of that. In other places where they have attempted to do it, they have done it by companies. For instance, in the very absurd attempt which they have made to cultivate about 50,000 acres of the Landes, near Pau, they got up an English company, but the English company very soon, I believe, left their money there, and left one of Howard's ten horse engines, and all its apparatus, in the middle of the Landes, while the Frenchmen were ploughing with 10 bullocks all round it, leaving it idle. Very little is done by private enterprise, except in some few instances where there are large proprietors.

2175. Earl of *Kimberley.*] With reference to your answer that the productive power of the land in Ireland has not diminished in consequence of the emigration, would you look at that return (*handing a paper to the Witness*), and tell me how you reconcile with your statement the apparently diminished ratio of the quantity of produce shown in the last 10 years, as compared with the former 10 years?

I think my statement was misunderstood, because it had no reference to what had actually taken place. What I understood the question to mean was whether the want of hands, or the loss of people produced by emigration, had rendered it more difficult in Ireland to realise a large produce from the area of the country.

2176. Can you offer any explanation of the diminution in the ratio of the produce in Ireland?

No, except the exceeding uncertainty which there has been as to what was in the future. I am perfectly certain that there are a great number of people who would have thrown themselves more into the improvement of the land if it had not been for the wild ideas which were put into their heads by people promising what never could be performed. I know in my own instance and in every good farmer's instance, our produce has very much increased. We are every day learning how to increase the produce to a great extent. I believe that the produce of my own farm, which is only 350 acres, is more than double what it was 20 years ago; and, therefore, it is not upon agricultural grounds. This diminution must be more owing to political grounds, or to accidental grounds. I do not profess to be informed upon the general subject of the statistics of Ireland, nor to reason upon what have been the causes of declension in produce. What I understood the question, which I tried to answer, to be, was, whether there was anything in the diminution of population which would reasonably account for, or lead to a diminution in produce. I said, decidedly not, because there was no part of Ireland where I did not think that a person knowing his business could not get labour enough, and opportunities enough, to nearly double the produce of the land. That was what I meant to convey.

2177. But inasmuch as, as a matter of fact, the produce not only (if that estimate be correct) has not doubled, but has year by year actually diminished in proportion to the land cultivated, there must be some cause assignable; and is it not reasonable to suppose that emigration may have had considerable effect upon that?

No; I think that the improvidence and want of industry in the population of Ireland is the cause of that, and I do not think that the diminution of numbers has had anything whatever to do with it.

2178. But what reason have you to think that the people have been more improvident, and less industrious, during the last 10 years, than they were during the 10 years preceding the last 10 years?

I do not think that they have yet recovered sufficiently from the blow which they received in 1847; and besides that, I know that among them there has been a vague idea floating that there was something coming, by which they would be

enabled to acquire property on easier terms than they do now; I know that the idea has been floating among them, and I believe that that has been one of the great causes why they have not laid their shoulders to the plough, and gone to work as they ought to do; and I believe that one of the greatest advantages which would be produced by your Lordships passing this Bill would be, that it would put out of their minds a great deal of this vague hope, and that they would say, "We shall never get the land for ourselves, we had better make the best terms we can with the landlords, and make the most we can out of the land."

2179. *Chairman.*] Have the rents in Ireland been rising or falling, as a general rule, for the last 10 years?

I do not think that there has been any very great change.

2180. Do you think they are better or worse paid than they were before?

I think that they are very well paid; I think that they are better paid, because I do not think that where lands let reasonably, there is any difficulty in getting the payment; I have never had any difficulty.

2181. But I presume that in former years, say 20 years ago, you have occasionally had arrears when you first began the management of land?

It used to be too much the custom to allow tenants to go into arrears, and to take easy excuses from them; I early introduced the system of making them pay when the half-year was due, or of proceeding against them; and I have been often thanked by the tenants for enforcing punctuality. They said that it had been the means of saving them, because I do believe that nothing tends to lead a person into difficulty more than his being allowed to accumulate debt. Prompt settlement is the best thing for both parties, both landlord and tenant. Latterly I have had no arrears to signify.

2182. And the tenants are in a solvent condition, and you do not apprehend anything?

I do not apprehend anything; I should like to see them improve their farms, and make things a little better for themselves.

2183. Lord *Churston.*] You stated, I think, that the produce of your own farm had nearly doubled within a few years?

Yes.

2184. Of what does the produce of your farm consist?

It consists entirely of sheep and cattle.

2185. Earl of *Lucan.*] Are your cattle what are called black cattle?

Black cattle; I keep about 20 cows, and I rear all their calves, and I keep 150 ewes, and I rear all their young; and I do nothing but sell, but I farm highly.

2186. Lord *Churston.*] Your great profit, if I understand your style of farming, would be the sale of your cattle?

Yes, I sell nothing else; I consume all the corn.

2187. Earl of *Lucan.*] I understood you to say that you looked forward to the day when the farmers in Ireland would employ labourers throughout the year?

Yes.

2188. Is it not the fact that in the greater part of the west of Ireland, from the constant wet and damp, it is impossible to find work for labourers during several months of the year?

Of course; I say weather permitting; but I believe that in most of the farms of Scotland, which is quite as wet, they contrive that there should be in-door labour for the wet days, and that the labourers are hired by the year or by six months, the employer taking upon himself the dealing with the vicissitudes of the seasons, but not mulcting the men because there happened to be three or four wet days; it is very hard that it should fall upon the poor man who is only earning in a day what he has to live upon in that day; he cannot go without food, we will say, for three days; but that is really the extreme way of putting what is the present custom.

2189. Then you are conversant with Scotch farming?

I know something about Scotch farming.

2190. Are you not aware that there is no part of the empire in which so little labour is employed upon a farm as in Scotland?
Certainly not, but they are employed constantly.

2191. Are you not aware that, excepting the shepherd, no labourer is kept throughout the year, except in proportion to the number of horses which are kept?
I know that the labourers upon the farm are about four to every hundred acres.

2192. Are you sure of that?
I am sure that in those which I have visited I have seen four men to a hundred acres, where the farms have been kept in very high order.

2193. Is it not the fact that in Scotland only one man is kept for every two horses?
One man to every two horses.

2194. Is it not the fact that three horses are only kept for every hundred Scotch acres?
That is the man who goes with the horses; but you must have other men to look after the cattle in the byre, and you must have a certain amount of labour done; it is not all done by horse-work; you must have a man to drag the dung out of the carts, and so on.

2195. *Chairman.*] With regard to the question of rents, rents have certainly not fallen lately, have they?
No.

2196. The condition of the people, you think, is considerably improved, as I gather from your evidence?
I do.

2197. So far as you have any reason to know or to believe, are you of opinion that the farmers in Ireland have more money in the bank, or invested, or in their pockets, than they used to have.
I am; because I know that whenever the interest of a farm is to be bought, they never want the money, and very large sums are forthcoming.

2198. Then I apprehend that that is a pretty good proof that the products of the land or habits of thrift must have increased very much among the people?
The returns which are given must be taken with some degree of correction, though I do not profess to understand them very well. I know that, though the agricultural returns have led people to believe that there was a great diminution in the quantity of stock, and of sheep, I have never yet seen a field where the grass was not eaten down; and therefore the only way in which I can reconcile that with Mr. Donnelly's returns is, that our cattle are larger and better, and sold at an earlier age, and that 10 bullocks now will probably require as much land to stand upon as 20 would before, when we had little starved animals. That is the only way in which I can account for it, because I know the grass is always consumed, and all the food that is upon the ground is eaten.

2199. But are not what you call "returns," in accordance with the usual parlance, in fact, only estimates?
They are only estimates. I think the returns are of the utmost value; but the only way in which I can get rid, in my own mind, of the inconsistency which Lord Kimberley has suggested is the knowledge that I have, that in Ireland all the grass is eaten. It must be from an improvement in the size and quality of the stock, and that numbers do not tell so much as they did before.

2200. Earl of *Kimberley.*] To a certain extent, probably, those statistics to which I called your attention may be accounted for by the recurrence of a long series of bad seasons?
I think so, decidedly; and by the difficulty of recovery from the blow which we received, even so long ago as 1847.

2201. Lord *Dunsany.*] Would it not be correct to say that, in those returns, the acreage is a correct return; but that the actual produce must be an estimate until the crop has been reaped?
I think that the distinction is hardly worth making, because it professes to be

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done as well as it can be done with the machinery which they have; and I believe that it is wonderfully well done. I do not myself see the distinction.

2202. *Chairman.*] Very considerable improvements have undoubtedly come under your observation in Ireland of late years?

Certainly.

2203. I allude, of course, to all kinds of improvement upon large and small scales. Do the landlords bear a proportion of the expense in making those improvements?

I think they most generally make them; I think that they are almost entirely made by the landlords.

2204. When they are of a small class they are made, I apprehend, according to the evidence which we have already had, by the landlord in conjunction with the tenant?

Yes.

2205. Therefore it is not true to say that the landlords of Ireland do not make improvements on the farms, and that the tenants make all the improvements?

Certainly not; it is the greatest calumny possible upon the landlords. I have noted down a few instances which have come under my cognizance, both in my own case and among those estates of which I know something.

2206. Probably you mean few out of many?

Yes. The reason why I did that was in order to be prepared, because I had read a statement made, or rather indorsed, by Mr. Caird, that no landlord ever built a house from bottom to top in Ireland. I thought that it was so outrageous a misstatement that it was better to note down some few instances. Upon five estates which I manage, since 1847 we have spent on building and different improvements by the landlords, 28,749 *l.* There has not been more laid out, because those estates have been long under the management of my father and my grandfather before myself, and I wish to point out the mode in which money is advanced, because although in many cases the houses have been built from bottom to top by the landlord, and some increase of 5 per cent. charged upon the outlay, yet the prevailing custom, and the custom upon which I have always acted, in preference to any other is, when a tenant wishes to make an improvement, to say to him: "If you will build good walls, which you can do very cheaply by drawing the materials yourself, and getting the work properly executed, I will give you the timber and slates," which is what would take money out of the tenant's pocket. That has been done invariably, and no additional rent has been charged for that, it being a co-operative work between landlord and tenant. To show that it is not for want of that kind of assistance, but that it is the want of co-operation, and of anxiety on the part of the tenant, that leads in a great measure to its not being done, I may say that upon one of the estates, which is worth about 4,700 *l.* a-year, I have always been authorised to expend 200 *l.* a-year on those improvements; twice I have been obliged to refund the whole of that 200 *l.*, and twice I have been obliged to refund 100 *l.*, and to tell the landlord that, although I was most anxious to get the people to avail themselves of his offer, I could not do so; and, consequently, I could not expend that which was only 5 per cent. of the annual income. Upon the other estate, although I had spent the 200 *l.*, when there came to be a little anxiety to have good stone houses, and all the houses slated, I got an order *ad libitum*, at my discretion, to increase the allowance for building, and I have never been able to do that.

2207. I gather from one of your answers that that custom has not sprung up very lately, but that previously to this expenditure of 28,000 *l.* the landlords had done that all along?

Yes, they had always been doing that; but those are estates where there are small tenants, and where not a very great deal of money is required, and where no very large farm-houses are required; and therefore it might be desirable to turn to other estates where very large sums of money have been expended. On one nobleman's estate, in the county of Wicklow, the annual cost of building farm-houses alone for the tenants has been for many years 7,000 *l.* a year. During the last 10 years there have been 29 substantial farm-houses built for the tenants

and

and eight repaired, so as to be equal to new ones, besides all the minor work of repairs and gates, and such things. Therefore, in answer to Mr. Caird, there are 29 houses built by one proprietor, and those are houses costing, I suppose, some of them 200 *l.* or 1,000 *l.* a-piece. On the Duke of Leinster's estates, during the last six years, the expenditure on buildings alone has been 17,503 *l.* Now those are estates with which, as they lie close to me, I am very well acquainted. Most of the farm houses which were built by the Duke's grandfather, are upon so uniform a plan that they are called the "Livery Houses." There has been expended 17,503 *l.* during the last six years; but during all his life the Duke has been building houses, and he thought that it would be desirable as such a statement had been made, to show that even 20 years ago he had printed plans of the different houses, every one of which has been executed over and over again. But I do not think I should answer that question fully by merely referring to those large proprietors, of whom I know perfectly well numbers could be found all over the country; but I think that there are numbers of small proprietors who assist in building houses without the actual expenditure of money, though quite in the same way as if the money was taken out of their pockets. For instance, in the case of one proprietor a lease fell out lately, and three tenants were anxious to get portions of it, of 40 or 50 acres each. The landlord said: "It is not convenient to me to spend the money, but I will give it to you for your own life, or 31 years, provided you expend each of you 300 *l.* on building a house." Those houses are completed now; the agreement is a perfectly satisfactory one to both landlord and tenant; and I believe that the money, though it came out of the tenant's pocket, may be considered to have been actually the landlord's money, because he has given compensation for 31 years in the shape of reduced rent. There are numberless instances of that kind all over the country.

2208. And those farms of 40 or 50 acres are farms of a size which enable an industrious farmer to live very well and comfortably with his family, but which do not put him beyond the expediency, if not the necessity, of occasionally working himself?

No; he should work on his own farm.

2209. Have you had occasion to observe the value of land, as shown by rent, in England, and to compare it at all with Ireland?

Yes.

2210. Can you state what you think is the fair comparison between the rents?

I have not, of course, the actual statistics; but I have been all my life going through Scotland and England, with a view of seeing the best farms, and of learning the way in which they were managed; and I have always asked the rents; and I have no hesitation in saying that the rents in Scotland are very much more than one-third higher than they are in Ireland; and that in the north of England they are nearly as much so; and that the rents even which are lower in the south of England are still very much higher than they are in Ireland. I may mention that in Scotland the rents are higher, because the custom is at the end of a 19 years' lease to advertise the farm for letting. In the north of England I have observed that the rents were still very high, but that the farms were let more by valuation. In the south of England and Staffordshire, with which I am very well acquainted, from going among the sheep farmers there, various customs obtain; but the old large proprietors have very seldom increased their rents for the last 100 years or more. Most of your Lordships know the Vale of Aylesbury, and I believe it is a well known fact that the rents in the Vale of Aylesbury are about 35 *s.* an acre, which is much lower than the value; but the custom has been that when the tenants have been 100 or 200 years there, they have slipped on, as they do on most Irish estates, without any re-valuation; and therefore the rents are there lower than those in the north of England and Scotland, but still higher than they are in Ireland.

2211. Earl of *Kimberley*.] Are you acquainted with the County of Meath?

Yes, I live in Meath.

2212. Can you state what are the rents of good pastures in Meath?

I think, on an average, about 2 *l.* an Irish acre, which would be, I think, at the rate of 24 *s.* 8 *d.* for an English acre.

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2213. What would that land in Meath fetch, when let by auction for cattle grazing?

I have known land to let for about 4 *l.* and 5 *l.* the Irish acre, which would be about 54 *s.* the English acre, but that is very prime land.

2214. My idea was that land in Meath let as high as land in Northamptonshire?

I do not think so.

2215. It does not fetch more than 3 *l.* or 4 *l.* in Northamptonshire, and it appears that it fetches 4 *l.* or 5 *l.* the Irish acre in Meath?

That would be from 2 *l.* 10 *s.* to 3 *l.* the statute acre. I have understood that one estate in Dorsetshire lets for 4 *l.* or 5 *l.* all round.

2216. *Chairman.*] You are very much in favour of written contracts; do you think that those written contracts ought to be registered?

I think it is very desirable.

2217. Would you think it desirable to register all the contracts between landlords and tenants, even where it was a question of houses at a very low rent, such as a labourer would pay, for instance?

No, I do not think that; but I would go very low, because the object of registering is to prevent any possibility of there being dispute in future from the fraudulent concealment or actual loss of the contracts. There should be some place to refer to where the actual truth could be ascertained.

2218. Would you register only agreements for letting land, or would you register also agreements for compensation?

I would certainly register agreements for compensation, even more than the others.

2219. If you formed an opinion upon it, how low do you think that it ought to be as regards rent, or as regards the amount of improvement for which compensation should be registered?

I am not putting any limit upon it, because the number would be very small; and I know the facilities of registry are so great, that I do not see the necessity of putting any great restriction upon the number; there would be only about 450,000 cases to be registered probably at first, and there would be a very small per-centage upon that to be registered every year.

2220. Do you think there is any machinery in existence in Ireland by which you could register 450,000 agreements.

I think there would be no difficulty whatever about it. They have an immense large fireproof building in Dublin, and I have this day spoken to Sir Bernard Burke, who was sent over by the Irish Government to ascertain the mode in which they registered documents in Paris. He went all through it, and he says it is the easiest thing that could possibly be; and that a very small room in that building would contain the documents in written sheets in little portfolios, which they sell for 2 *s.* 3 *d.* a-piece in France, beautifully arranged, and in fact the difficulty of that would be nothing. If it was a triplicate copy that was registered in Dublin, as it would be a printed form, there might be more printed of those forms in the office, and there would be no difficulty for a small fee, say 1 *s.*, in getting an attested copy of one of them, to send down to the county courts when any dispute or any trial came on. That would get rid of all the difficulty of registering such matters with the clerk of the peace, such as there being occasionally a house burned down, and the whole county being put into confusion.

2221. But would you register every agreement for a labourer's cottage, of say 50 *s.* a-year throughout Ireland?

No; I would not register any of those that would come under the monthly agreements.

2222. Earl of *Kimberley.*] Would it be a convenient mode to make it apply to all lettings above a stipulated sum?

I think it would be a desirable thing to make some limit perhaps there, but I think it would be even better to give a kind of bonus upon tolerably long contracts, by insisting that the registry should be a registry of contracts for a few years at all events.

2223. *Chairman.*]

2223. *Chairman.*] Then you would not register a contract for a letting from year to year?

I am not quite sure about that. I am very much in favour of having everything registered, and it would be a mere matter of expediency leaving out any, from the difficulty to get machinery to carry it out.

2224. Earl of *Lucan.*] But, supposing that you made it compulsory for the longer lettings and voluntary for the shorter lettings, do you think that would be desirable?

I think something of that kind might be done. I have not thought sufficiently upon that point to give any decided answer; but I have thought very much upon the advantages of having such things registered.

2225. *Chairman.*] But I understand that you do not think it advisable to call in the machinery of the clerk of the peace?

I think the other would be a great deal better, because you have a building where the documents would be all kept together, and to which there would be easy access to any one wanting to refer to them, and where it could be done with, probably, very little expense, because for a few pounds a-year more a clerk would probably do it all. There would be probably very little difficulty after the first year.

2226. To what local authority in the country would you give the responsibility of verifying the contract?

The attorney would apply, as he does now, to the Deeds Office for an attested copy.

2227. But as regards the original document when you entered into the contract, you would not have that sent by post; there must be somebody to attest that it was a contract, I presume?

That may be done by the clerk of the peace.

2228. But would not that give him an immensity of trouble at every quarter sessions, for all the contracts that had been entered into for the last three months?

I think after the first year or two it would be a very small business. The number of new contracts would be probably very small, because people would not be at the trouble of giving contracts for two or three years, and would like to give a contract for 21 years and have done with it, and in that way I do not think it would come to be a very laborious business.

2229. You do not think they would give contracts for labourers' cottages and small buildings for 21 years?

No, but I do not see the necessity for that. I think they would come under the extension of the provisions which we have now for the monthly tenancies in market towns, which certainly ought to be applied to all the minor tenancies in Ireland.

2230. How far would you extend that provision which gives the magistrates in petty sessions a considerable power, I believe?

It does; but it gives him no discretionary power; only a power to carry out the law. I would extend that to all labourers and artisans' dwellings.

2231. To tenants not exceeding 5 *l.*?

Something like that.

2232. Lord *Meredyth.*] Would you combine that with any sanitary regulation?

I do not very much like the idea of dictating the form or the sanitary condition of houses; but I think that the remedy might possibly be taken away, when the relieving officer reported a house as unfit for human habitation; I think certainly something ought to be done as regards houses which are unfit for human habitation; but whether the machinery for that should come through the law of landlord and tenant, or through the poor law and the relieving officer, I have no very distinct opinion.

2233. Do you think that the extension of the power to which you have alluded as applying more particularly to market towns, would be against the poor man or in favour of him?

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I think it would be very much in favour of the poor man, and I could give instances of a town upon Mr. Naper's estate where I have 47 tenants of that class in the small houses in the town. Now, if a man comes to me who is employed upon a railroad, or is a stranger, and who wants to get a house in the town, I have no hesitation in giving him a house for a month upon the general appearance of the man, and upon his own statement; but if I thought he was to get in for a year, I probably should not allow him to be in it at all, and should say, "No, I must get some person more solvent;" and probably the man would lose his chance of getting into a very comfortable house, which I give now under the present Act.

2234. Then you think it would be desirable to enlarge the power given under that Act to the magistrates, even in the interests of the poor man?

I do; I believe that prompt settlement and clear understanding of what agreements are, and carrying out those agreements are fully as much, if not more, in the interest of the weaker party, as they are of the stronger party.

2235. *Chairman.*] Sales of considerable quantities of land have been going on pretty regularly under the Encumbered Estates Court, I believe?

Yes; but not so much now as they used to be.

2236. When estates are sold by the court, are they generally sold in large lots, or are they brought within the reach of small purchasers?

I had heard that question mooted, and I took the pains of taking out the sales of the last year. During the last year, from May 1866 to May 1867, there have been 930 properties sold. Of these, 69 sold under 100 *l.*; 103 sold under 200 *l.*; 84 sold under 300 *l.*; 59 sold under 400 *l.*; 73 sold under 500 *l.*; 51 sold under 600 *l.*; and 125 sold under 1,000 *l.*, making 564 under 1,000 *l.*, against 366 over 1,000 *l.* That was the whole price given for the land. I may explain that some of those may have been tenements, houses; but I had no means of extracting that; I merely extracted the sums actually paid, because I thought that the question was more whether a man having 100 *l.*, 200 *l.*, 300 *l.* or 400 *l.*, had the means of disposing of it in purchasing fee simple.

2237. Have you known many tenant farmers buy the fee simple of land?

I have heard of their doing so, but not of those under my own management.

2238. Do they show much anxiety to do so?

I think the anxiety has generally been to buy the interest in the neighbouring farm, quite as much as to get the fee simple; and they very often pay fully the value of the fee simple for getting the interest of another tenant.

2239. Is tenant right allowed upon any of the estates with which you are well acquainted?

Certainly not; we are strenuously against allowing it. Sometimes when a tenant has been completely broken, and has had a lease with a few years to expire, he has come and said, "May I make over my lease to such and such a person?" and if the landlord approves of it, I have always consented to it. One is pretty sure that some money passes between them; but it is never acknowledged as an established right.

2240. What do you consider to be the great evils of the custom of tenant right?

I think that it not only takes the property out of the hands of the landlord, but it takes all the capital out of the hands of the tenant; and it is an indirect way of a man's buying an estate to which he has really no legal title when he has bought it.

2241. You are aware that it is not at all recognised by law at present?

It is not recognised by law, and that is one of the greatest objections to it The fact that there should be any dealing with property which is not recognised by the law is, I should think, condemnatory of the whole system.

2242. Would you think it advisable in any shape to recognise it by law?

Certainly not; because it takes away the freedom of property, and it does no good to the tenant, because a man having capital, if he can get a farm at a reasonable rent, may make a great deal of money out of it; but if he is induced, as I have known a great many people to be induced, to spend his money upon purchasing

purchasing the interest in that land, he gets that which can make him no return whatever.

2243. But where it is allowed as a custom, even if it is not recognised by law, may it not induce, or does it induce in practice, tenants to make improvements for which they may afterwards be compensated, they think, if they are evicted, or if they choose to remove, by getting a better price for the good will of the land?

I do not think that has ever entered into their heads; because in the parts of the country as to which I speak, it is only in the case when a man has thoroughly broken down that he thinks of abandoning the land; and then he thinks that, if he has the choice of the succeeding tenant, he may get something for exercising that choice. It is never done by way of paying for improvements.

2244. Do you think it would be mischievous to give a tenant power to make an improvement of which the landlord did not approve?

I think so decidedly; because it would put the landlord and tenant at variance with each other, which is exactly the thing which every one wishes to avoid.

2245. How far would you allow a tenant to go in making improvements, either without the cognizance of the landlord or in opposition to the landlord's desire or pleasure?

I should not allow him to do it at all, unless where he thought that the improvement was of such value to himself that he was willing to take the whole responsibility of the outlay upon himself; but not as charging it against the landlord when the landlord had objected to it.

2246. Then if you allowed him to raise money upon his farm for an improvement, you would insist that that improvement should be such as had the sanction of his landlord.

Certainly.

2247. Marquess of *Bath*.] Can you state whether the agitation in Ireland upon the tenant-right subject has had for its object lengthened tenure, or compensation for improvements?

Fixity of tenure, decidedly.

2248. There has been a proposal made, has there not, by Mr. Isaac Butt, that every tenant should have a compulsory lease of 60 years on the land, or something of that sort?

Yes.

2249. In what position would that place the landlord?

It would place both the landlord and the tenant in a very bad position; because it would place the landlord in the position of being punished for having been kind to his tenantry, by having a rent fixed as against him, which debarred him for 61 years from ever increasing that rent, or ever reaping any advantage from the progress of the country; and it would be against the tenant, because the effect of such a right would be, that every landlord would take the land into his own hands; he would not submit to leave the tenant on the land under those terms.

2250. Earl of *Kimberley*.] Would it be possible for landlords possessing large estates to take the whole of their land into their own hands?

I think that they could do it with much better profit than by letting it at a very low rent to a very bad tenant; but it would never come to that, because the tenants themselves would never put their landlords into the position of requiring that which they knew would be followed by the necessity of the landlords taking up the land.

2251. Marquess of *Bath*.] Supposing that in the event of such a measure passing, there was a proviso that if the land were under-let, or over-let, there would be an appeal to some Government authority; would that produce much litigation?

I think it would produce very much litigation indeed, because I do not see how any public authority could come in between landlord and tenant, and say, "Such and such is the value of your land, and such rent you shall be obliged to receive." I think the landlord's whole property would be abandoned when that was done.

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2252. It would convert the landowner, in short, into nothing but the owner of a rent-charge?

He would be nothing but the owner of a rent-charge.

2253. And you would restore the state of things in Ireland which the Encumbered Estates Act was passed to do away with, and under which the nominal proprietor of the land would be a mortgagee, holding a mortgage on the property, without having any interest in it?

Yes, without having any interest in looking after it.

2254. Earl of *Kimberley*.] Do you contemplate that if ever a tenant in Ireland was by law given a lease for 61 years, the landlords would cease entirely to execute improvements of their own accord on their own estates.

I do, because they would have no further interest in the improvements, and Ireland would be reduced to exactly what it was some 60 years ago, when every one was making long leases, the lettings being subdivided until the crash came in 1847; which was, I believe, solely owing to the leases which had been given, and abused by subdivision.

2255. Do you not think that, as far as possible, it is desirable that landlords should execute the more permanent improvements, leaving the tenants to employ their capital upon the farming of the land?

That depends entirely upon what capital the tenant has; because, if the landlord has not the money to lay out upon the improvement, and if the tenant knows he has by law a right to follow out every shilling which he has expended upon the improvement, and to get it back again in some shape or other, either in principal or in interest, or both, I do not think it matters whether it is the tenant or the landlord who lays out the money.

2256. How would you propose to give the tenant the power of following his capital and getting it back, in case of his quitting the land, when he has executed permanent improvements, such as draining or building?

I would treat the whole subject as a money consideration, and merely say: "You have your 100 *l.* to lay out upon that. We do not care about what goes into the land, but you have agreed to lay out that 100 *l.* If you go to a notary, he will tell you that perhaps 7 *l.* or 8 *l.* per cent. will extinguish that in 22 years. We will, for that time, give you a right to be recouped the money at that rate, and if you are turned out at the expiration of half the time, and you break your connexion with your landlord, we will give you a right to receive back half the money which you have laid out." In fact, that belongs to what would be a mere notary's business to say, by compound interest, at what rate the 100 *l.* would be extinguished in 22 years. Then you separate the money entirely from the land, and you give the tenant as much interest as he probably would get in any other speculation.

2257. Would you do that by compulsory enactment, or would you do it by contract between landlord and tenant?

By contract between landlord and tenant; but defining the contract, as it is proposed to do in the written contracts in this Bill, would have, I think, fully the effect of leading bad landlords to follow good landlords in the same practice.

2258. But would not, in point of fact, the principle which you advocate be that which is laid down in the Act of 1860, which is known as Mr. Cardwell's Act?

Yes.

2259. That Act has not been operative, has it?

It has not.

2260. Then how do you look forward to any remedy being applied to the present state of Ireland by means of a measure of that kind?

Because Mr. Cardwell's Act brought in the interference of third parties between the landlord and the tenant, and left a great deal open to be litigated about only when the term had concluded, instead of the simple form of the landlord and tenant agreeing beforehand as to what they were to do, and charging the land with a certain sum about which there never could arise any dispute, and letting that be an agreement between them. That, I think, would be preferable to an agreement by a Board of Works, or by any officer coming in to interfere between them.

2261. Lord *Dunsany.*] On the general subject of the claims which have been advanced in favour of the Irish tenant, you are acquainted with both English and Irish tenants; are you aware of any circumstances which would give the Irish tenant a claim in justice which the English tenant has not, I mean a claim arising out of his better treatment of the land on the whole?

I am not.

2262. You have land of your own which, I presume, you consider to be in high condition?

Tolerably so.

2263. Taking an average Irish tenant, should you expect if you were to give that land into his hand that he would improve it, maintain it in its present state, or deteriorate it?

I am certain it would go on in progress of deterioration from year to year. If your Lordship will allow me I will mention some statistics which I have made out. Upon the estates which I manage there are 1,396 holdings, and there are only 275 leases. Out of those 1,396 holdings, which are occupied by 1,219 tenants, I have taken the number of tenants who I thought were at all moderately improving their lands, and I could only say that there were 170 out of that number who were improving tenants; all the rest merely hanging on from year to year, trying to get the most out of their lands, and still not to expose themselves to eviction. Out of those 170 tenants 45 are leaseholders, and 125 are tenants at will.

2264. Then, with reference to the supposed claims of the Irish tenant, on account of his better treatment of the land, you would say that he does not improve his farm, even though it were shown that he added, we will say a cottage, or that he made some fences which an English tenant would not have made; but balancing the deterioration of the very corpus of the farm against those improvements, should you say that the Irish tenant, as a general rule, can be said to improve his land.

I should say that, in nine cases out of ten, if a balance were struck, the balance would be very much against the tenant's improvements, and the tendency would be very much towards deterioration in the land.

2265. As a general rule, supposing an Irish tenant to wish to improve his land, does he possess the necessary live stock, which I presume is the very first condition of improving land?

I have never known an instance of a man who really laid himself out to improve his land and to work it properly, whom I did not find was able, somehow or other, to get on, and to increase his stock and capital, and to become a comfortable, well-to-do tenant.

2266. But when he comes and takes his land, should you say that he generally brings that amount of live stock which is necessary?

No, he always looks to make the capital out of the land.

2267. He does not bring the capital to the land, but he looks to make the capital out of the land, as a general rule?

Yes.

2268. *Chairman.*] That, of course, does not apply to large farmers and graziers?

No, to small and moderate tenants.

2269. Lord *Dunsany.*] With regard to ploughing and the proper tillage of land, that being the only proper means of improving it, can an average Irish tenant, or does an average Irish tenant plough the land in the sense in which a Northamptonshire farmer ploughs it; does he plough it or does he scratch it?

He scratches it, certainly; they want industry, no doubt, and if they had industry and application, there is nothing to prevent their becoming comfortable, well-to-do farmers.

2270. Do you think that, as a matter of expediency, it would be desirable to give leases to tenants as an encouragement, but not as a matter of justice applicable only to Irish tenants?

Certainly not.

2271. You have already said that you have known landlords to drain on a large scale?

Yes.

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2272. Did you ever know a tenant to drain on a large scale?
No.

2273. You mentioned the case of a landlord, whose agency you have, having built a number of good stone dwelling-houses for the labourers; did you ever know a tenant who built a similar number, I mean in proportion to the land which he held?
They never do it at all; I scarcely know an instance of a tenant having built a good labourer's house.

2274. Do you think that the labouring population of Ireland would be improved by one of those measures of granting 60 years' leases to the whole of the tenantry of Ireland?
Certainly not; no possible advantage could arise either to the poor man or to the rich man.

2275. *Chairman.*] With regard to a question as to a provision which you may have seen in this Bill to do away with the right of redemption of an evicted tenant who has had a lease, would you think it desirable to abolish that right, or to modify it in any way?
I think that it would be exceedingly desirable to abolish the right of redemption, because the six months' redemption is always a period in which great loss occurs. No one person is got to undertake the management of the farm during the six months, and there is generally a very considerable loss; and besides that, there is a degree of uncomfortable feeling with a man who has been broken, but who is not thoroughly got rid of at the time. He still has hopes that some chance may recover him in some way or other; that he may borrow some money, or something of that sort so as to hold on for a little time longer. I think, however, that the thing should be wound up with the execution of the *habere*, but that a man should have as much notice as might reasonably be given to him, so as to enable him to go amongst his friends and to try and exert himself to put himself again into the farm if possible; but that that should take place before, and not subsequently to final possession being given.

2276. When a farm has a certain value, do you think that they might require six months before the *habere* was executed?
I think that that would be too long a period. A man in a couple of months must make up his mind; he must know that he has not the money forthcoming, or if he has any reasonable hope of having the money advanced to help him in any way, I think a couple of months ought to be enough to settle that.

2277. You would give that couple of months after the *habere* was obtained?
Before the *habere* was executed; I would not let there be any going back after the *habere* has been executed before possession should be given.

2278. Has Sir Richard Griffith's valuation much to do with the fixing of rents, and do you think that the tenant or the landlord practically recurs to that valuation much in letting lands?
I think that Sir Richard Griffith's valuation is in a very awkward position now, because it is evidently not the value of the land, and it is irregular all over the country. It was originally irregular to a great extent in consequence of the different deductions which he had to make, which were various in different parts of the country. I do not myself believe that it ever could become a letting value. The value of land depends upon the value of the gross produce of the land after certain necessary deductions.
It may be expressed by a simple equation:

Support of occupants - - - -
Cost of production - - - -
Insurance against contingencies - -
Interest on capital employed - - -
Public burdens - - - - -
Rent - - - - - - - } = Produce.

Rent is evidently the balance remaining after the other five terms have been provided for.
If we give a value in figures to each of these six terms, and the produce remains constant, any addition to the value of any one of the terms must lead to a subtraction from the value of the others, For instance, if the number of occupants

occupants increases either they must be supported for a less sum in a less degree of comfort, or what is added to the term in the equation must be deducted from the value of one of the other terms; either the rent must be reduced, the interest on capital diminished, or contingencies left unprovided for; and, on any other hand, any increase in the value of the gross produce will leave an available addition to be made among the other terms.

The terms on the left hand of the equation may also be differently apportioned between landlord and tenant. If the landlord were to supply the capital and to assume the liability to contingencies, both these terms would merge in rent. All these terms are so liable to be affected by local circumstances that it would be impossible for any public valuation to do justice between landlord and tenant.

Sir Richard Griffith's valuation is evidently the one which has been executed so as to present a nearer approach to a letting value than any other public valuation. The basis of that valuation was the assumption that beef and mutton were worth 33 *s.* 9 *d.* per 112 lbs. This was subsequently raised to 38 *s.* 3 *d.*, and the actual value in 1866 was 72 *s.* 4 *d.*; so that it is evident that such a valuation could not affect lettings at the present time. It has been proposed to rectify this basis of valuation on the scale which I hand in—

Comparative Table of average Prices of Agricultural Produce.

Years.	Wheat, per Cwt.	Oats, per Cwt.	Barley, per Cwt.	Potatoes, per Cwt.	Butter, per Cwt.	Beef, per Cwt.	Mutton, per Cwt.	Pork, per Cwt.	Flax, per Cwt.
	s. *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*	*s.* *d.*
1826	10 –	6 –	7 –	1 7	69 –	33 –	34 –	25 5	–
1864	9 –	5 6	7 –	2 6	94 6	49 –	57 –	36 9	71 –
1865	9 11	7 –	6 10	2 9	105 10	54 11	58 2	50 11	82 –
1866	10 8	7 8	8 4	2 10	109 3	59 1	66 6	51 10	99 8
Average of latter three years	9 10	6 9	7 5	2 8	103 2	54 4	60 6	46 3	84 3
Basis assumed by Sir R. Griffith, in 1836	10 –	6 –	7 –	1 7	69 –	33 –	34 –	25 6	–
Basis assumed by Sir R. Griffith, in 1852	7 6	4 10	5 6	–	65 4	35 5	41 –	32 –	49 –
Basis now recommended	10 –	7 –	7 6	2 6	100 –	60 –	61 –	50 –	84 –

which is very desirable, and I think that, if a re-valuation were made it would be near enough to the letting value to govern agreements made by the owners for life, and in every way guard against fraudulent under-lettings, but not to govern the dealings between landlord and tenant.

The value of corn has not increased in the same ratio, and, therefore, the valuation on that assumed basis would not equally affect tillage and grazing lands.

Again, one element of the valuation was the altitude over the sea level, and the land at 300 feet was supposed more valuable than at 310 feet. The same *per saltum* correction leads to fields outside circles of different radii drawn round a town being valued lower than fields within it, though joining. The nicer distinctions affecting the facility of obtaining manure and carrying it to market can only be made with respect to peculiar localities, and, therefore the cost of production in Sir R. Griffith's valuation is liable to some errors; but when we come to the support of occupants we find a much more prolific source of error. Sir R. Griffith is supposed to take, for example, 100 acres, and estimate the value of the land with respect to soil, climate, &c., but there is no correction made for the amount of the population to be supported out of the produce. We know that the highest degree of cultivation could be given to the land by four labourers and two horses; but if, instead of those four labourers, say, from two families, there were 20 families to be supported from the produce of the 100 acres, it is clear that the valuation could not remain the same. All such matters of adjustment can only be made by the landlord or his agent's local knowledge, and the tenant's feeling that he can pay a given rent and support himself comfortably. The amount of gross produce which ordinary good management ought to make the land give cannot be calculated without some history of what the producing qualities of the land have been over a long series of years. Sir R. Griffith says, "The nature and depth of the soil and the quality of the subsoil are to be the principal grounds on which he is to form his judg-

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ment of the value of the land;" but it is well known to those accustomed to let land that two adjoining fields of apparently the same quality in every respect will let for a difference of from 10*s.* to 15*s.* per acre on the traditional knowledge that one will feed more cattle than the other during the summer six months.

2279. The means of communication do not seem to have been taken into account in making that valuation, such as vicinity to a railway or canal?

Certainly not; it is made principally upon the soil and subsoil, and it is for that reason that it is inapplicable to fix the actual rents; although I must say that upon townlands the rents come so approximately, that if a landlord knew that he was getting a certain per-centage over Sir Richard Griffith's valuation of, say, from 10 to 25 per cent., he would be pretty sure that he was getting nearly the value which he ought to get; but it would be no guide whatever to an agent in letting the small portions of that townland.

2280. It is supposed, is it not, to approach the value, and in some cases almost, if not quite, to exceed the value of bad land, while it is in many cases far below the real letting value of rich land?

It is. I have made a table of the values of places which I know. There is one townland which is let on Sir Richard Griffith's valuation, where I know perfectly well that the tenants are not able to pay me any more. I could not raise the rent of that land. Other townlands ordinarily let for about 8 or 10 or up to 25 per cent. over Sir Richard Griffith's valuation; but they vary very much.

2281. Earl of *Kimberley*.] Is not vicinity to markets taken into account?

Yes; but it may be three, four, five, or six miles off. It is that jumping, *per saltum* kind of thing, which would not regulate it exactly; and after all, that is a minor consideration now as compared with population, or a great many things which have been left out.

2282. *Chairman*.] Do you think that you could fix a rent by statute which would be advantageous to the landlord and to the tenant?

I think that it could not possibly be done, because, as every one must know who has anything to do with the management of land, rents must vary from what one would calculate as the strict probable value. For instance, supposing that an industrious man, whose father and grandfather had lived on an estate, happens to die just about the time that a revaluation of the estate takes place, an agent will say, "I will leave you at your present rent until your eldest son is able to manage the farm. I will nurse up the young family and we will not oppress them." Sometimes half-a-year's rent is forgiven to him, and that because it is in the interest of the landlord that he should keep the old tenant upon the estate, a thing which I cannot dwell too much upon, because I do believe that the man whose father and grandfather have been tenants on the estate will be always a more satisfactory tenant to deal with than a new comer from another estate. Then, again, misfortunes may happen to a man. Not long ago, when I was revaluing a property, I found that one tenant had been under temporary difficulties, and I was obliged to tell the landlord that this land was worth a considerable sum more than the tenant had been paying, but that the man was under temporary difficulties, and that if we put the rent upon him now he would be ejected, and that if we allowed him a few years, he was improving, and that he might get on so as to be able to pay the full value. I believe it was for the advantage of the landlord that it should be so, but if there was any strict rule about the matter, I believe that that man would have been in the poorhouse or in America long ago.

2283. Earl of *Kimberley*.] Do you find that, as a matter of experience, when a man is unable to pay his rent, he, generally speaking, sinks lower every year afterwards that he remains on the farm?

No, because that man may reform; that man may be brought round by a few words of advice, and that man may have his family growing up about him who see the disadvantage of the imprudence which he has committed; and on their being talked to, and shown that they may improve, I have often seen a family rally.

2284. But that applies principally to small holdings, does it not?

I mean with small holdings. A man constantly goes to the bad by drinking, and he may be on the point of losing his farm; he may die, and with a little nursing, his son may become one of the most valuable tenants upon the estate; but all this is a thing which is going on every day in Ireland. It is in my own knowledge that there is a kindliness between landlord and tenant, which leads to

a great

a great deal of that helping of a man in his difficulties, and reaping a very valuable return from it in not losing the old residents upon the estate.

2285. *Chairman.*] Practically, you know that that does take place?
That does take place in many instances all over the country.

2286. Earl of *Kimberley.*] I suppose it is the case in Ireland as elsewhere, that small holdings let per acre at a higher rent in proportion than larger holdings?
There are extreme cases in which I think the rents are large; the rents are large where there are very large holdings, and where there is no great expenditure upon them, and there people are able to pay a very good rent. Then the rents are higher in very small holdings, where the necessities of the people drive them to make bad bargains for themselves, but in the intermediate cases I think you have moderate rents.

2287. How does Sir Richard Griffith deal with the case where the rent of the land is high in consequence of the demands for small holdings, although the land may not be of superior quality to larger holdings where the rent is lower?
Then there will be a difference between his valuation and the value; he does not profess to take the population or the occupation of the land at all into consideration, he takes merely the soil and subsoil as an analyst would do, and then he corrects that by the general features of the market, and different alterations and deductions which are made in his office. The man who goes upon the land merely reports upon the actual staple of the land, or what could be made of it, but not at all upon what is made of it.

2288. Then, does not it operate as a direct bonus to a landlord to have small holdings, because the proportionate payment of taxes, local or Parliamentary, will be smaller upon the small holdings?
I have heard that a landlord said that beggars were the best tenants, because he got a higher rent from lodgers in bad houses; but I do not think that would be a prudent man with regard to his estate.

2289. Lord *Meredyth.*] I think you stated that you were an advocate for leases?
Decidedly.

2290. But that something had happened both in and out of Parliament of late years which frightened you to such an extent that you no longer advocated them?
I have refused them for these last three or four years, and always told the people good-humouredly that the reason was that I did not like the tenant-right agitation, that I did not know what restrictions would be put upon us, and that I wished to keep as much power to myself as I could.

2291. Do you think that the tendency of the provisions of this Bill would be to encourage landlords to give leases?
Decidedly. If those contracts became law I should myself at once set about signing them for good terms of years over every estate of which I had the management. I think that they would be so satisfactory that you would get rid of a great deal of ill-feeling, and that the agent and the tenant would come together, and, at all events, we should have it out in one day exactly what our agreement should be, and after the agreement was signed we should never have any disagreement.

2292. Lord *Dunsany.*] Do Irish farms, as a general rule, change hands more frequently than English farms?
I should say certainly not.

2293. Do you believe that Irish tenants live under a constant dread of being either ejected or having their rents raised?
Certainly not, they have no such feeling; on the contrary, the feeling is very different indeed between landlord and tenant from what is alleged by public agitators.

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to Friday next, at One o'clock.

Die Veneris, 19° *Julii*, 1867.

PRESENT:

Duke of DEVONSHIRE.	Lord DUNSANY.
Earl of ROSSE.	Lord SOMERHILL.
Earl of STRADBROKE.	Lord MEREDYTH.
Viscount DE VESCI.	

THE LORD SOMERHILL, IN THE CHAIR.

MR. WILLIAM MALCOLMSON, is called in; and Examined, as follows:

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2294. *Chairman.*] You are a constant resident in Ireland, I believe, and your avocations lead to your having communications with many parts of the world?

Yes, I live in the south of Ireland.

2295. You have turned your attention, I believe, a good deal to the question of the tenure of land between landlord and tenant, and you have published some letters upon the subject, have you not?

I addressed some letters, but not many, to Sir Robert Peel, when he was Secretary for Ireland, upon the subject.

2296. Do you consider the present law between landlord and tenant, in Ireland, to be in a satisfactory state?

I do not.

2297. Will you be good enough to state to the Committee what deficiency or objections are to be found in the present state of the law?

I think the deficiency exists in the want of security to the tenant for his improvements.

2298. What security do you consider that a tenant ought to have, which he does not now possess?

I think that his improvements should be recognised by law; and that in case he was removed from his land, or wished to remove himself, the value of those improvements should be recognised.

2299. Is there any difficulty, at present, in his making a contract with his landlord, with respect to those improvements?

A large proportion of the tenantry with which I am acquainted are occupiers of lands on estates on which the right to such improvements has not been recognised.

2300. As a matter of fact, such contracts have not been entered into?

They have not been entered into.

2301. Do you think it advisable that a tenant should be allowed to make what he might call improvements, without any communication with his landlord, which I understand to be your proposition, and afterwards to charge the estate with the cost of them?

My view is that, if the tenant's improvements were recognised by law, we should have a very large amount of improvements by the tenant in Ireland which does not exist at present.

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2302. To what class of tenants do you refer in that answer?
I refer to nearly all classes.

2303. Would you carry it down to tenants of holdings which were as small as 10 acres of land?
Yes

2304. Do you consider those persons to have the means of making considerable improvements?
Yes, I believe that there is a very large amount of money in the hands of the farmers in Ireland which is invested in banks, and also which is held by themselves, privately, which would, if security for improvements were recognised by law, be laid out in the improvement of the land.

2305. You think that improvement goes down to the lowest class which can properly be called farmers?
To the lowest class.

2306. How do you suppose that that money has been made?
By the industry of the tenant.

2307. By industry upon the land?
By industry upon the land, and it has been handed down from father to son. I believe that there is a large accumulation of property, which continues in families, and which would be invested in land if the security were afforded to the tenant.

2308. Then in the parts of the country to which you alluded there has not been much change in the holding of land?
Families have held for some years in some parts; and in others, which are in my own knowledge, the tenants have changed twice, and in some cases three times, within the last 30 years.

2309. Had the incoming tenant, generally, capital in cash in those cases?
Generally, not sufficient for the tillage of the land, or for the proper farming of the land which they took.

2310. Do you consider that the land requires much improvement, and, if so, what is the nature of the improvement which you think would be encouraged by long tenure.
Draining, improved tillage, and improving, what I may call, the surface of the land. There is a large quantity of land in Ireland which it is impossible to till satisfactorily without the removal of the boulder stones which exist over it. In that part of the north of Ireland with which I am connected, those have been nearly all removed under the tenant-right system, and the tillage is now carried over the very summits of the hills; while, in the south of Ireland, such places remain in almost a state of nature still.

2311. Does the tenant-right system prevail in that part of the south of Ireland with which you are acquainted?
I am not aware of any part of the south of Ireland where it is recognised as fully as it is in the north.

2312. Do you consider that tenant-right custom to be a sufficient remuneration for improvement?
I do.

2313. You are aware that tenant-right in the north in general exists upon properties where the tenants are yearly tenants, and that leases are not common; would you prefer that to a system of leases?
I would prefer a general legislation by which the tenant's improvements should be valued, either in letting to an incoming tenant; or, if the landlord required possession, that 15 years' purchase of those improvements should be recognised as belonging to the tenants, and five years as belonging to the landlord. When I speak of improvement, I speak of the increased letting value of the land.

2314. Earl of *Stradbroke.*] Do you mean even without any great improvement, and merely from the accidental increased value of the land?
I believe

I believe simply from that, without apparent improvement you can improve land by deep ploughing, which is outlay of capital in labour of men and horses; and there are other ways in which the tenants, if those improvements were recognised, would be induced to till, so that the letting value of the land would be largely improved without, perhaps, those principal improvements, such as draining and removing of stones.

2315. That is to say, if they farmed upon the English system by ploughing deeper, that would naturally improve the value of the farm; and for doing that, you think that the tenant ought to have three-fourths of the valuation?
And manuring also.

2316. Would you say anything with regard to hoeing, or any other necessary part of cultivation?
I would include general agriculture. The improvement of an unreclaimed farm, though it may not require draining, does not remunerate the tenant in the first course of tillage which follows it. We find that, in breaking up the pan, which is land which has but a shallow soil, the first crop is injured more than otherwise by such a course. A tenant does run considerable risk in attempting those improvements; and, therefore, I think that his industry in that way should be remunerated.

2317. As a practical farmer, how many years do you consider it necessary to plough this land in a deeper style than has been the custom, so as to make it remunerative to the tenant?
I think that it requires a second course of tillage.

2318 Lord *Meredyth.*] Then the tenant would be amply remunerated if he held it for two years?
I would not recognize that as remuneration.

2319. Lord *Dunsany.*] Would you extend the same remuneration to English farmers, or would you confine it to Irish farmers?
I would extend it to all farmers.

2320. Would you extend it to English and Scotch farmers, as well as to Irish farmers?
As a commercial man, I would recognise capital expended in that way as belonging to the party who expended that capital, no matter at what time he had to give up his tenancy.

2321. Earl of *Stradbroke.*] Does not a landlord generally let his land according to the existing value of the land at the time when he lets it?
He is supposed to do so.

2322. Supposing that he lets at a low rent, in consequence of the land never having been ploughed deeply, and the tenant has the opportunity of ploughing deeper, and making the improvement, has he not a very great benefit during the time that he occupies the farm?
There is a benefit, but still I would recognise that tenant as a partner with the landlord who has carried out those improvements; and I think, therefore, that in retiring from the partnership he should be remunerated for what he had done during the joint occupancy.

2323. Lord *Meredyth.* Then, if you were going to make the landlord pay for the simple tillage of the land, the tenant having received all the profits of the increased produce, would you allow the landlord any back rent?
I would propose to allow the tenant 75 per cent. of the improved value.

2324. But would you allow the landlord any increased back rent as a set-off?
No, I would not at all.

2325. *Chairman.*] What time would you consider repays a tenant fully, so as to exhaust his claim for different classes of improvements; say, for draining, or perhaps making a road; in how many years do you think that he would be recouped for his outlay?
My views upon that point are peculiar; I believe that you will not develope the full production and cultivation of the land in the country, unless you recog-

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nise the tenant's claim in the way that I suggest at any time when you wish to terminate the occupancy, or that the tenant has to sell. I think that the tenant would then be in a position in which he requires to be, viz., to be able to borrow money on his improvements.

2326. Do you not consider that, in letting or selling land, the person who hires or who buys land takes into account, not merely the surface of the soil as it may be at that moment, but the capability of the land for improvement. If you are purchasing an estate, for instance, or, if you are taking a long lease, you would take that into account, would you not?

Yes.

2327. But I do not see what you would allow the landlord, according to your system, for the capability of the soil, beyond the mere state of the surface. Suppose the drainage to cost the tenant 3 *l.* or 4 *l.* an acre, in how many years do you think that the tenant would be fairly and amply remunerated for the outlay of 3 *l.* or 4 *l.* as a business undertaking?

I could not give an answer to the question. My wishes are with regard to a legislation which would be sure to develope the whole industry of the occupier, and which would be to the benefit of the landlord; and I do not think you will develope that without recognising the tenant's ownership in those improvements, no matter at what time the tenancy ends. I am not an advocate so much for leases as for recognising that the capital which the tenant invests in the land should be his own whenever his occupancy terminates.

2328. Are you in every case in favour of a tenant making improvements which would be desirable, instead of the landlord?

The difficulty which we suffer from in Ireland, as perhaps your Lordship is yourself aware, is that so many landlords are but life-occupants, and they naturally do not, as in England, improve the land for the tenant. All the improvements which are required for good farming must be done in general by the tenant, or they are not done at all.

2329. Earl of *Stradbroke.*] Is not that an argument in favour of leases?

There are very many estates in which leases are not the rule, and legislation ought to be for the general good. What I would propose will reach properties under which leases are not given, by recognising the right to improvement.

2330. Then you would consider that, where there are no leases, the tenant should be entitled to a considerable bonus at the termination of his period of holding the farm, for whatever number of years he has held it?

Clearly, provided he improved the letting value.

2331. Whereas, if he has a lease, say, for 20 years, after making improvements for draining the farm, it is notorious that he will have compensated himself, and made a considerable profit out of the money so laid out before the termination of his lease; is that so, in your opinion?

It is not always so.

2332. Will you be good enough to state when it is not so?

A tenant may not, or generally does not, at the commencement of his occupancy, begin with the improvements. He perhaps has not the means, or, he will not see the necessity of it, perhaps, until his lease has considerably run out. In fact, all farmers (I speak of myself and of others) are continually seeing improvements which we can carry out on our farms; and unless we commence those at the beginning of the occupancy, we cannot get the value of them.

2333. Then it is just that, if the tenant spends money on draining or otherwise, towards the termination of his lease, in such case he should receive remuneration?

I would give a tenant a legal right, even at the termination of a long lease, to improvements.

2334. Let those improvements be made when they might?

When they might.

2335. Lord *Meredyth.*] But if the tenant borrowed money under the Government;

ment; for instance, if he had a sufficiently long lease he could repay himself all his money, interest, principal, and all, in 26 years, could he not?

Possibly he could.

2336. Then if he held for 60 years you would still give him compensation?

Clearly.

2337. Lord *Dunsany.*] Would you apply that principle solely to land, or do you think that it is a commercial principle which is generally applicable to property which we hire from others?

I think it is a commercial principle. If there is a sleeping partner in a business, as I look upon the landlord as being, at the termination of that partnership, the plant is valued, and the working partner gets his proportion of the improvements.

2338. But I think I am correct in saying that what he gets is the profit made out of his own proportion of capital, and not out of his partner's proportion of capital; is not that so, as a commercial principle?

If the plant which is improved be something like a mill, or a premises in which a manufactory is carried on, the whole will be valued at the termination of the occupancy, and the working partner will get his proportion. I think that is the commercial principle.

2339. *Chairman.*] Do you not consider that written contracts with the landlord give a man sufficient security?

They are not inducement enough at present, in Ireland, to the farmer to improve his land, as they would be under a system where improvements were recognised as a proportion of them being his own.

2340. If I understand you rightly, you contemplate, at a certain period which may occur at any time, that the farmer would claim cash remuneration for his improvements; how would you ascertain the value of the improvements that had been made?

The custom in the north is for the next occupier to buy the tenant-right from a tenant leaving. I would propose that three-fourths should be recognised as money that should go to the tenant, and one-fourth to the landlord. In the north of Ireland the whole, at present, goes to the tenant.

2341. Lord *Meredyth.*] Is it your opinion that, in the north of Ireland, tenant-right is paid for improvements?

Yes.

2342. *Chairman.*] You think that the incoming tenant pays for improvements, apart from the land?

He pays for the improved value of the land, on the rent which the occupying tenant pays.

2343. Lord *Dunsany.*] If the selling tenant had made no improvement, you imagine there would be no tenant-right paid?

I believe in the north the question of improvement is not the only one which is recognised.

2344. Lord *Meredyth.*] Would there not be a very considerable amount of tenant-right paid in the north, where there are no improvements at all?

I have no doubt there is; but that goes farther than I would advocate in the legislation which I would suggest upon the subject; I would recognise the landlord's right to the proportion of, say, one-fourth of the increased letting value of the land.

2345. *Chairman.*] If I understand you rightly, you would legislate for the tenant-right and improvements; but not for the tenant-right in land?

It is very difficult to define what are exactly improvements; but I would recognise the improvements by what an incoming tenant would give for obtaining the possession of the land, in addition to the rent which the retiring tenant had paid.

2346. But every tenant now holding land in the north has paid a tenant-right purchase, so to call it; would you put the man in the south, who has not paid a shilling for it, upon the same footing at once?

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I would not put him upon the same footing; but I would give him about 75 per cent.; because I would reserve for the landlord what would appear to be, by the efflux of time, the increasing value of the land, with the improved value of land, generally, and I would reckon that at 25 per cent. of the letting value.

2347. Lord *Meredyth.*] Would you extend that system to England and Scotland?

Yes, all over Great Britain; I have discussed that with Scotch farmers, and they say that they would like it.

2348. Earl of *Stradbroke.*] Perhaps they would like it better if they paid no rent at all?

As a commercial man, and as connected with railways and the general improvements of the country, I believe that legislation in this direction would not only improve the country generally, but improve the value of properties.

2349. But without such legislation in England and Ireland, you are aware, are you not, that the land is constantly being greatly improved?

I am aware that in England very much is done by the landlords.

2350. But it is greatly done by the tenant both in England and Scotland?

In Ireland the landlord is not in the habit of carrying out improvements for the benefit of the tenantry.

2351. Lord *Meredyth.*] Does he not let his land for less?

I do not think so.

2352. Do you mean to say that land unimproved, without buildings, would let for the same rent as land improved, and with buildings?

No.

2353. Then he does let his land for less, does he not?

If land continues in that state unimproved, and without buildings, for a series of years, it is likely to continue so, unless legislation protects the tenant in improvements. The tenants have frequently assured me that they are afraid to improve their land, knowing, in fact, that the rent would be raised if they did improve.

2354. Viscount *De Vesci.*] You stated, did you not, that you did not consider that a lease would be so good a security to encourage the tenant to make improvements as legislative measures, in consequence of the tenant, when he came in, not generally having money to lay out upon the farm, and that the money which he expended would be expended at the end of the lease, and that therefore he would not be able to recoup himself?

I did not exactly know to what your Lordship refers; but in reply to the Noble Chairman, I said, that in Ireland the tenants improve under leases. I also said, that in regard to improving under a lease, the tenant does not always commence his improvements at the commencement of his tenure. Perhaps his lease has nearly expired, or partially expired, before he sees inducements, or perhaps has the means to carry out those improvements.

2355. Then the reason you give for that is, that generally, at the commencement of his lease, he has not the means to make those improvements?

No, I do not.

2356. Then, at the commencement of his lease, why does he not commence the improvements when he has the means?

Farmers generally do not, perhaps, feel inclined to make improvements, or there are many reasons why they do not at once commence. I rent land myself, and I speak of my own case.

2357. Lord *Meredyth.*] But if the tenants have the capital, and they have a lease besides, is it not a great neglect and remissness on their part not to begin to improve their land as early possible?

I speak of the habits of the country, that they really do not do so.

2358. But is it not so?

Yes, it is.

2359. Would you legislate down to their remissness and neglect, instead of trying to urge them on to greater self-exertion and industry?

Our population are peculiar; they are very suspicious. Many of them have not that full confidence in leases which they might have and ought to have, and they will not put out their money.

2360. But is not a lease a completely valid legal security?

I have full confidence in it; but still there is the old suspicion in the country of the landlord and of the agent. I speak of the suspicion which has come down from past time, and your Lordship will recognise that there is in the country that doubt of the sincerity of the grantor, or, perhaps, that even the party granting the lease may not have the full power to do it.

2361. Earl of *Stradbroke.*] Should you be very much surprised to be told that, in the south of Ireland, where there are what you would call short leases of 20 years, the tenants do improve very greatly during that time?

I believe there are some parts where they do improve without a lease at all.

2362. That is not exactly an answer to my question. Should you be surprised at such a statement?

I should not be surprised.

2363. Viscount *De Vesci.*] You stated that the reason why they did not improve was a suspicion of the landlord, and that they generally do not improve till towards the close of the lease. Is it not natural to suppose that that suspicion would tend to deter them from improving more at the latter end of the lease than at the commencement?

The confidence between landlord and tenant often improves with their acquaintance with each other, and with the agent, perhaps, more than the landlord. A large proportion of the estates in Ireland are managed by agents and through agents, and the tenant's communication is much more with the agent than with the landlord.

2364. But in the case of an intelligent man getting a lease, and knowing that he is likely to be repaid for his improvements during the 20 or 60 years, or whatever it may be, do you not suppose that that man, if he had the means, would begin his improvements at the commencement of his lease?

I should naturally suppose so.

2365. And generally the tenantry of Ireland have the reputation of being intelligent, have they not?

They are not so intelligent as they ought to be in those large improvements, such as draining and deepening their land, which good farmers in this country would say ought at once to be done, before the farming would pay them well. They are not, as a class, inclined to drain largely.

2366. But you stated that there was necessity for this legislative enactment, in consequence of a very large sum of money being locked up by the farming class. If there were leases granted, do you not think it probable that, in the greater number of cases, that money would be laid out?

I belive that it would induce a considerable amount of money to be laid out; but I still believe that the leases would not induce the outlay of money to the extent which recognising the ownership of improvements would.

2367. Lord *Meredyth.*] But you will admit that it ought to do so?

Not if the improvements were recognised to the extent which I have suggested, viz., that at any time, whenever the tenancy terminated, the ownership of improvements should be recognised.

2368. *Chairman.*] Do you not think that the greatest part of that money to which you have alluded, and which has been stated elsewhere to be a very large amount, is the property of tenants who hold well-improved and very valuable lands?

A large proportion of it is so held; but they are not well-improved lands, although they are rich lands.

2369. When you paid back 75 per cent. to the tenant for improved cultivation, especially, and other improvements, how would you value it as compared with the value of the improvements by cultivation, or by the works of the tenant;

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tenant; would you merely value it by putting it up to auction for tenant-right, or would you employ a valuator?

The practice in the north of Ireland is to estimate it by what the in-coming tenant will pay for the occupancy which the other surrenders; and in that way, I think, that there is still in Ireland sufficient competition for land to obtain a value which would remunerate both the tenant and the landlord.

2370. But would that be just in all cases, as in this way: two tenants may take properties at no very great distance from each other in the same county, although not immediately joining; the value of one may, in a certain number of years, increase without any particularly good farming, the land being merely farmed in the common routine way, in which farmers farm in Ireland; the other man may have laid out a great deal of money upon the farm, but yet, from other circumstances, the value of the one farm may by the approach of a railway, or from any other cause, be increased; the one man, who has made no improvements, may find the value of his farm really increased in the market quite as much as that of the other man, who has had no accidental circumstances to increase the value of his land, but who, by his hard industry, has really greatly improved it; do you not think that it would be rather unjust that there should be no discrimination between improvements actually made by the tenant's labour apart from any other circumstances?

There will be exceptional cases of that sort, I am sure; but the legislation which I would suggest would be of a broad character. Of course sometimes a tenant would obtain more advantage than perhaps his share.

2371. Lord *Dunsany.*] You would remunerate a tenant for deep ploughing, but that implies a standard of ploughing; in Ireland, what is considered deep ploughing, in England would be considered, as I suppose you are aware, very shallow bad ploughing; would there not be great difficulty in such a scheme arising out of the difference of opinion as to what was proper ploughing?

The object which I should have very much in view in giving a title to improvements would be to induce the industry of the family of the occupier of the land. There would be an inducement to them constantly to endeavour to improve the land, even for one reason, and that would be to lengthen the tenancy, because the more the value of the land would be improved, the family would reckon that the landlord was less likely to buy them out. There is great attachment in Ireland to the holding of land, and everything which would perpetuate their occupancy would, I think, develope their labour.

2372. No doubt it might lead to the improvement of the land, but would it be just that there should be really no means of estimating how much the landlord ought to pay, inasmuch as there would be no means of estimating how far the tenant had exceeded the proper standard of cultivation?

The crops produced on the land are often a very good indication, and perhaps the best indication of improved culture.

2373. Then would you set up that standard, and would you say that the standard of cultivation was so many bushels; or, as we say in Ireland, so many barrels to the acre; and that land which was made to produce more than that should be considered to be land which was improved by the tenant, and for which the tenant was to receive 15 years' purchase of the increased value?

I only suggest that as one of the ways.

2374. Earl of *Stradbroke.*] Would not the result of that be that the tenant would become the person resident upon the property, and that the landlord would receive what is called a head rent?

By the legislation which I propose, the landlord could at any time re-occupy the land.

2375. But could he re-occupy it without paying the tenant money?

By paying the tenant money. The object which I have in view in the suggestion which I make is, that the landlord should continue still to be the owner of the land, and should have the power of re-occupying at any time when he wished to do so.

2376. *Chairman.*]

2376. *Chairman.*] Supposing a tenant to be in possession of a farm, and to be a very unsatisfactory tenant, and to pay his rent but not to improve his land; and supposing the landlord to wish to get rid of that tenant, as not being a good tenant, would you, according to your plan, make the landlord pay 75 per cent. of the value for the good will of that land at that rent, when you are aware that it is not always the tenants who hold the dearest land at the highest price who are the best?

At present when an unsatisfactory tenant is in possession of land, the landlord generally provides him with means to emigrate to America, which is perhaps more than he would really have to pay in any valuation for the land.

2377. So you still would leave a full power of eviction which leases would guard against?

I would leave the power of re-assuming the ownership of the land in the landlord's hands in the fullest manner in which it could be granted.

2378. Earl of *Stradbroke.*] Do you think that the very small farms which exist in such large numbers in Ireland are advantageous or disadvantageous to that country?

The small farms which now exist, I think, are generally advantageous.

2379. Do you think that farms not exceeding 10 acres are advantageous?

I think that they are. I think that the small farmer is, in general, not only a farmer, but a producer of meat in some way. I speak of pig meat, or fowls, or other animals, which are saleable, and which are supported partly from the products of his farm, and partly from the purchase of corn, or Indian meal, or other imported articles, which, together, make him a manufacturer to a certain extent. That class of occupiers in Ireland are very valuable, because they produce a larger quantity of animal products than, from a large farm, would be considered an acreable proportion.

2380. As a rule, would it be advantageous that no farm should be less than 30 acres; and if such were the case, would it, or would it not, give a larger quantity of the labouring population; because, as you are aware, those small farmers hardly ever act as labourers?

The small farmer of from 10 to 12 acres can occupy himself and his family in connection with his farm, and does so. I have heard it stated by Lord Waterford's agent, who administers a very large amount of land, not only for his Lordship, but has been for other persons for whom he acted as agent, that he has not only collected as large rents from the 10 and 12 acre farmers, but that they are as comfortable, and pay their rents quite as well as the larger ones. In fact, I know the localities in which that class of farm exists largely, and where the farmers do produce much more per acre than is produced on larger farms.

2381. *Chairman.*] You are, as I understand, rather against contracts; but you are in favour of the tenant-right custom of the north of Ireland?

I am in favour of a modified form of the tenant-right of the north.

2382. Modified as you have explained?

Yes, recognising the landlord's claims.

2383. With regard to litigation, have no cases of litigation and disputes arisen between landlord and tenant, and which have come under your observation with respect to the tenure of lands, and the claims for compensation?

Yes.

2384. Do you think that the tenant-right custom which you would introduce would suffice to prevent those disputes better than a system of written contracts or leases?

I think that it would induce a much larger outlay; but as to increasing litigation, I am not quite sure whether there might not perhaps be more litigation. I would not say that we should be free from litigation in such an arrangement, but my anxiety is, not only to induce the tenant to improve, but to settle him on the land. Emigration is, I think, going to be our bane in Ireland, because as emigration increases, I believe that the production of the country will diminish. For instance, take the county in which I occupy land, the county of Waterford, and compare it with the county of Armagh, which is in the north.

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The areas of the two counties are nearly the same; Armagh has twice the population of Waterford, and the agricultural productions of Armagh, though it has the same area as Waterford, is twice as great as the agricultural production of Waterford. Therefore I conclude that production is consequent upon population. In the south of Ireland, with which I am acquainted, and in which our railways are so dependent upon having products to carry, I am anxious that legislation should induce the people to remain at home, so as to produce more largely.

2385. Earl of *Stradbroke.*] Is the land in Armagh chiefly of a good character?
I do not think that it is better than the land in Waterford.

2386. Is it not the fact that in the county of Waterford there is a great deal of mountain property?
There is a large proportion of mountain property in Waterford.

2387. Consequently that mountain property is neither capable of sustaining the same population, nor of producing the same quantity of corn as a better soil?
But there is a very large area in Waterford which is perfectly unimproved and undrained.

2388. Are you talking of mountain property?
No, of the sea coast; perhaps six miles from the coast from Waterford Harbour, round to Youghal, which is a long stretch of seashore.

2389. Would you include in that Mr. Foxlane's property and that district?
His property is capable of very great improvement.

2390. *Chairman.*] But there is a great quantity of land in Waterford, is there not, which, speaking with proper regard to remuneration, is unimprovable?
There is a large proportion of mountain area, and that is certainly a set off against what I say as to the two counties.

2391. Earl of *Stradbroke.*] Has not the Duke of Devonshire a very large estate of very good land with rich and wealthy tenantry in that neighbourhood?
Yes.

2392. Is it not the same with Lord Waterford?
Yes.

2393. Are there not several other landlords, without naming them, who have very good tenantry?
Yes, but the larger proportion of their lands is capable of improvement. In the county of Armagh, the land is, I think, very much improved.

2394. Lord *Meredyth.*] I did not quite understand you to say whether you approved, or not, of tenants making improvements in any way which they might think proper, without any reference to the landlord or his agent?
With regard to the land itself, I would give the tenants full power to improve. With regard to the buildings, I would not do so.

2395. As regards buildings, would not the effect of your proposal (viz., that the landlord should have to pay at the expiration of the time for which the tenant holds, no matter how long it might be), supposing that such a law could pass, be, that in every instance the landlord would make the improvements because he could borrow money; and in 26 years he would pay it all off, principal and interest; therefore, would it not be to the landlord's advantage, in every case, to borrow the money and to make the improvements?
It would be at present to their advantage to do so, but they do not do so.

2396. But will you be good enough to answer the question; would it not be to their advantage, in every case, to borrow the money and make the improvements?
It would.

2397. But

2397. But you go further than that, I think; you said that, supposing a farm to be provided with all proper buildings and appliances, and to be let to a tenant at its then value, with all those necessary appliances, you would at the end of the term for which the tenant held, no matter what the length of that term might be, expect the landlord to compensate the tenant for the improved value of the land; that is to say, to compensate him for his agricultural operations.

For legislation you must exclude individual cases.

2398. But, as a rule, in a case where a tenant occupies for a lengthened term, putting buildings out of the question, and putting drainage out of the question, would you expect the landlord to compensate the tenant for his agricultural operations, supposing him to have increased the value of the land?

If they have improved the land, of course the land would be improved in its letting value, and I would then give him his remuneration for it.

2399. In that case you are making the landlord pay for the agricultural operations of the tenant, are you not?

If they are improvements.

2400. You say that you would expect the landlord to compensate the tenant if the letting value of the land was increased; that is to say, if the tenant had so carried on his operations as to increase the letting value of the land, you would expect the tenant to be compensated?

Clearly.

2401. Is not that really paying the tenant for his labour, and for his seed, and for his agricultural operations generally?

Only for his labour, so far as it improved the letting value of the land.

2402. But from the ploughing and the general system of agriculture, has not the tenant derived a profit the whole time?

He may, or he may not, have done so.

2403. But if the land is improved, surely he has done so, has he not?

Yes, if the land is improved; but the cost of this improvement may have been so large, that he may not have recouped himself altogether; and even if he had recouped himself, I must say that I would recognise the right of the tenant.

2404. Then in making the landlord pay for the agricultural improvements of the tenant from which the tenant has reaped the entire profit, would you give the landlord no increased back rent?

I would give the landlord nothing beyond what I should consider to be the probable increased value of the land in letting in the market. I look upon a farm as a property which the landlord has and which he cannot himself use, because, if he can use it himself, he will farm it. He wants a tenant to make the interest of his money out of it for him; having done that, the tenant has done his duty, I think, towards his landlord; and anything beyond that he has a right to himself for his attention and his labour, and the time which he devotes to the tillage of the land.

2405. But you are making the landlord pay for the profits which the tenant has put in his pocket?

I must be obtuse, but I cannot see it.

2406. It is not a question of buildings, and it is not a question of drainage; you are making the landlord pay for the agricultural operations of the tenant, by which he has realised a great profit, probably?

I advocate the case of the tenant as far as that.

2407. But are you just to the landlord; you would not advocate an injustice, I suppose?

I do not advocate an injustice; but, in legislation, in proposing a plan, we must strike an average of interests, and I think that the tenant's interest should be more considered than the landlord's, because the landlord is the sleeping partner, and he risks but his capital, and gets it back.

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2408. But does not the tenant get a great deal more back than his capital; does he not take the land to get as much out of it as he can?
Yes.

2409. The landlord does not begrudge him that?
No.

2410. But you want the landlord to pay for the common agricultural operations, do you not, which have enabled the tenant to make this money?
It is so much capital which he has invested in the land.

2411. We will leave that point. Are there any long leases in your part of the country?
They are not the rule on the estates with which I am acquainted; but there are some.

2412. Have the occupants of the land in those instances made those improvements which you think so desirable?
Not generally.

2413. Should you say that the farming class about you are generally a struggling class?
They are very industrious, but I should not call them struggling.

2414. Has there been much emigration from your part of the country?
Not so much as from other parts.

2415. What class of people generally emigrate?
Generally young men and women of from 19 to 25 years of age.

2416. Not farmers?
Sometimes a whole family will go, but the large class which pass over our railways are just the class that I speak of.

2417. Not the farming class?
They are the sons and daughters of the farming class.

2418. But do you know many cases of solvent farmers giving up their farms to emigrate?
Not of solvent men.

2419. Then how would legislation, such as you have described, affect emigration?
A larger number of the family would be required at home if the land were improved. The tenantry largely hold farms in grass, and they do not improve their land; they continue the land in its unimproved state.

2420. Would you compel a man, by legislation, to break up his land?
I would induce him to do so by legislation.

2421. *Chairman.*] Do you think that the farmers of Waterford, generally speaking, would be richer if they turned their attention more to tillage and less to grass farming?
I believe they would be richer if they had a larger proportion of tillage along with their grass; from the want of growing more turnips for winter keep they suffer largely all over the country.

2422. Earl of *Stradbroke.*] As a rule, in the county of Waterford, which tenants pay best, those who have grass and keep cows, or those who have tillage farms?
I am not sufficiently acquainted with the tenantry of Waterford to be able to answer the question.

2423. *Chairman.*] You are probably acquainted with some land which, although it is not in the county of Waterford, is in your neighbourhood, namely, the county of Kilkenny?
Yes.

2424. It is a fact, which is probably within your observation that, upon very poor land in that county, the small farmers pay very fair rents by dairy farms?
My Lord Bessborough's property, and the property in that neighbourhood, is mixed in its character; a large proportion of it being cultivated land; and I believe

believe they pay higher rents, and those who are acquainted with them say, that they live more comfortably than the tenantry of Lord Waterford, whose lands are principally grazing lands.

2425. But do not Lord Bessborough's tenants pay their rent; that is, is not the cash which they receive generally obtained by the sale of butter?
Yes, and pigs and corn.

2426. Earl of *Stradbroke.*] Was not Lord Bessborough's estate 40 years ago one of the most neglected estates in the whole county of Waterford?
I was not at that time sufficiently acquainted with it to say.

2427. Did not the last Lord Bessborough, and did not the present Lord Bessborough, lay out a great deal of money and greatly improve that estate?
There is no doubt the property has been vastly improved during the last 20 or 30 years, but I did not know the locality 40 years ago; I was not living in the neighbourhood.

2428. Lord *Meredyth.*] Are you aware that there has been a large emigration from the province of Ulster?
I am aware that there has been.

2429. With what part of Ulster, where the tenant right most prevails, are you best acquainted?
The county of Down is the part of which I know most.

2430. Do you think that the invariable consequence of tenant-right, is to improve the cultivation of the land, and to make the people more comfortable and contented?
I think the face of the country there proves it.

2431. Are you acquainted with the county of Donegal?
Not at all.

2432. You do not know, whether as compared with other parts of Ulster, or with other parts of Ireland, it is a backward, or a forward county?
I am not.

2433. Are you aware that tenant right exists to the same extent there as in other parts of the country?
I do not know.

2434. Do you know what is the condition of the labouring classes in the county of Waterford?
They are tolerably comfortable. Their numbers have been very much decreased within the last 15 years.

2435. Have wages increased?
Yes.

2436. How are they housed; are their habitations comfortable?
There is a great deficiency of what we call "workers' houses," on the estates.

2437. Do they generally hold under the landlord, or under the occupier?
I cannot say.

2438. Lord *Dunsany.*] You would decide the amount of improvement, in point of fact, by the sale of the tenant right, would you not?
That is the way in which it is decided in the north, and I think it is, perhaps, the most just way.

2439. In many cases when a farm was put up for sale there would be great competition for it, would there not, as a general rule?
I believe there would be.

2440. Would not the effect of that competition be to raise the rent very much upon the incoming tenant?
It would.

2441. Then, if you benefited the outgoing tenant, would you not benefit him at the expense of the incoming tenant?
Yes, but the landlord would obtain his proportion of the 25 per cent. of purchase.

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2442. I am only speaking now of the interest of the tenant; but it appears to me that you would benefit the outgoing tenant at the expense of the incoming tenant; because the value consists of the improved rent. If every farm is put up for sale, and there be large competition, there will be necessarily a heavy rent payable by the incoming tenant, will there not?
It would be a consequence.

2443. You are perfectly consistent and logical in your view, so far; you would apply the same rule to England, Ireland, and Scotland?
I would.

2444. But are you not aware that that involves a total change in the whole principle of land letting, inasmuch as, at present, the letting of land is a contract by which the landlord lets the land to the tenant, in order that the tenant should manufacture crops; whereas under your system, the tenant is to make a profit, not only by the manufacture of crops, but by the improved value of the land?
If we look at the land in Ireland, as an article with which to manufacture, we must look upon it very much as a manufactory without machinery in it. It has but the wheels, or it requires to be supplied with machinery in the shape of manure, and in the shape of deeper tillage, and other processes which a good farmer would use to make the land productive, just as a good manufacturer would be bound to do, if he took only a manufactory without proper machinery.

2445. But that is equally applicable to England; I imagine that, in England, land ought to be deeply ploughed and manured as much as land in Ireland, or even more than in Ireland in many cases?
My motive is to induce the appliance of the largest capital possible to land in Ireland.

2446. And you would legislate with that object?
I would legislate with that object.

2447. *Chairman.*] Have you ever, of your own knowledge, known a tenant turned out of his farm, in consequence of a vote which he had given at an election?
I have not known that I can remember now.

2448. Lord *Meredyth.*] Have there been many evictions in your part of the country?
No.

2449. *Chairman.*] I understand that, taking the tenant to be a yearly tenant, you would put no restriction whatever upon the landlord as to raising the rent, except that a tenant going out might claim compensation under tenant right?
I would not.

2450. Earl of *Stradbroke.*] Is it not a rule in the county of Waterford, as well as in other counties in Ireland, that the tenants vote almost invariably according to the interest of their landlord as a sort of compliment to him, and a declaration that they consider him a landlord that they admire and approve of?
They did more so at the last election than they had done for the last 50 years.

2451. Has it not always been so?
No, it has not.

2452. Do not the tenants of the Duke of Devonshire invariably vote according to his interest?
I am not acquainted with the locality; and, therefore, I cannot answer the question.

2453. Then do not the tenants of the Marquess of Waterford invariably vote according to the interests of the Marquess of Waterford?
I cannot give you a correct answer; and, therefore, I had better not answer the question.

2454. *Chairman.*]

2454. *Chairman.*] Do you consider that any alteration of the law is advisable in reference to the practice of distress for rent?

I would advocate its being abolished altogether.

2455. You do not think that putting it into the hands of a public officer would be a sufficient guarantee against abuse?

I have not heard the suggestion made before, but I do not think it would be sufficient. I advocate its abolition from the knowledge that unsuitable tenants, I mean tenants without sufficient capital to farm their land, obtain possesion of land from landlords and from agents, from the facility of recovering the rent from them by distraint, which the present law allows.

2456. Lord *Meredyth.*] You think it would not operate at all to the disadvantage of the tenant class of Ireland, because there are great differences of opinion upon the part of many of the witnesses whom we have had before us, as to whether, instead of falling into the hands of the landlord, the tenant would not fall into the hands of the usurer?

It would limit the quantity of land which would be let to struggling tenants, which would be of great advantage to them. I believe that more land is now let to tenants from the facility which the law of distraint gives for recovery, than would be let if the law did not exist, and that it would be better for the tenants not to have so much land as many of them have.

2457. Viscount *De Vesci.*] Is that law of distress much put in practice in your part of the country by the large landlords?

It is not much practised.

2458. It is not a general practice?

It is not a general practice.

2459. Is it more an exception than the general practice?

I think it is more an exception now, but having the power of distraint it gives a right to the agent, on account of which he no doubt trusts the tenant with a larger quantity of land than he would otherwise.

2460. Do the tenants borrow much from the banks in your part of the country?

They would borrow much more if the law of distress did not exist, because the landlord having the first claim, he, of course, has to be paid his full claim before the bank can recover anything.

2461. Do you think it would be a benefit, or otherwise, to the tenant, to give facilities to borrow from the banks?

I think it would be a great benefit to the tenantry if they could borrow on moderate terms from banks. There is no class of the community that requires more facility of borrowing for a few months, in the autumn, and in the spring, than the tenants.

2462. But I thought you stated that the great body of the tenantry in Ireland had undeveloped capital, and that if there was a legislative enactment it would tend to draw out that capital. Is that the case in your county?

I believe it is, and that the expenditure of that capital would give an increased security to the banks on which they would also lend money, in case a farmer employed it to enable him to consume his roots by buying cattle for them, or in early spring, perhaps to buy manure so as sufficiently to develope his land.

2463. Is that capital in the hands of the small farmers of under 10 acres, or of the large farmers?

I think all classes hold it, more or less.

2464. *Chairman.*] With regard to the law of distress, how do you think it would act upon the lower classes of persons in towns, if you abolish the law of distress; might they not find great difficulty in obtaining small houses?

I would except house property, because I think every protection should be given to building houses, and that the law of distress should only be abolished with regard to land.

The Witness is directed to withdraw.

THE RIGHT HONOURABLE WILLIAM LANE JOYNT, LORD MAYOR OF DUBLIN; is called in, and Examined as follows:

Right Hon. *W. Lane Joynt.*
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2465. *Chairman.*] I BELIEVE that you are, both as regards the legal profession and otherwise, well acquainted with the management of estates, and with the condition of landed property in Ireland, generally?
Yes, I think I may so.

2466. Do you think that the law and the custom, as regards the tenure of land, are in a satisfactory state at present?
No; on the contrary, I think they are in a very unsatisfactory state.

2467. In what respect do you think that they are either deficient, or bad?
I think that the general law, as regards landlord and tenant in Ireland, is very ill known and ill understood, and that it requires codification; and also that in the various clauses affecting the relations between landlord and tenant; in these matters, which are popularly known as the relations of landlord and tenant, it requires serious improvement.

2468. In the first place, as regards the law, the Act which I apprehend chiefly regulates the condition of the tenure of land in Ireland, is the Act which was passed in 1860, and which is commonly called Mr. Cardwell's Act?
Yes.

2469. Do you consider that Act to be obscure in some of its points, or in what respect do you think that it is deficient?
I think that it only deals with the genearl heads under which it purports to affect the law which then existed, and which it altered. I speak more of the whole body of law between landlord and tenant in Ireland, which you would find in one of the well-known treatises, and which of course, will include many matters which are not touched upon at all in Mr. Cardwell's Act.

2470. Do you think that it would be desirable, if it were possible, to codify that law?
Certainly; I think that that is one of the first duties of the Legislature.

2471. Do you think it would be desirable to make it clearer and better understood, and to condense it, and not to spread it over so many Acts?
Yes.

2472. As regards the matter to which you have just adverted, viz., the law between landlord and tenant, will you point out the nature of the improvements which you would recommend?
So much has already been said before Committees upon that, that I do not, of course, venture to think that my opinion is of very much value; but I apprehend that what is popularly known in Ireland as security of tenure, and compensation for improvements, of such a nature as to induce the tenant to improve, ought to be embodied in any Act of Parliament, and made binding upon such landlords as do not otherwise respect it.

2473. Do you think that the best mode of dealing with that subject would be by written contracts and leases, or by the establishment of some general law of compensation?
I think that any law which would establish a system of written contract, or which, in the absence of a contract, would imply it, would be a very great advantage over the present system of mere parol tenancies.

2474. Has not considerable litigation, as well as a considerable amount of heart-burnings and quarrels, arisen upon that question of implied contracts and parol engagements, which have been differently construed by the different parties concerned in them?
The most serious misunderstandings have arisen, each party, of course, considering that he was right, and one party making out that he had a grievance from the absence, either by law, or of necessity at the time, of a written contract. There was a well-known case, for instance, of a gentleman, who was a tenant

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tenant of my Lord Annaly's, and also of another person in the county of Galway. The tenant was the Rev. Dr. O'Fay. I knew him to be a most improving tenant, who had improved his land very much in the county of Clare. He had a lease, but he improved the land to far beyond the usual extent. He was a most improving, industrious gentleman; he was parish priest of New Quay for several years, and had improved his holding very much before he left it.

2475. Was he allowed to sell his lease?
No question of sale or assignment arose in that case, but in the neighbouring county unfortunately he was deprived of nearly as much, I believe, as he had laid out upon Lord Annaly's property.

2476. Then I understand from that, that you are in favour of leases?
Yes.

2477. And written contracts, in every case of dealing, between landlord and tenant?
I would simplify the whole matter. I would not call anything a written contract, because I think the misfortune of those things in Ireland is the construction which is put upon contracts in the minds of the tenants. They either look forward to there being some unpleasantness with their landlord, or some litigation; and I think that anything which has that aspect, or tendency, is injurious. I would keep the landlords and tenants, as much as possible, out of courts of quarter sessions, or the landed estates court.

2478. You would put them all under leases?
I would make leases, as far as I could, the rule.

2479. You are, perhaps aware, if you have seen the Bill which is before this Committee that, in that Bill, it is proposed to use the word "leases" for all written contracts?
Yes; I had just had the Bill put into my hands when I came down to-day to be examined before your Lordships' Committee, and I have only looked cursorily through it; but I apprehend that is one of the objects of it.

2480. In speaking of improvements, do you classify them, or do you put all improvements under one head, or do you allow a period for the exhausted improvements?
Yes; I think that in some instances the improvements, in a few years, repay the person who effects them. I think others are as valuable at the end of 25 or 31 years, as when they were erected. I think, for instance, that a thoroughly well-built slated house, and offices for a farm at the end of 31 years, if they were kept in good condition, would be just as good as when they were built. I know that to be the case upon Lord Annaly's estate. In fact I might say, that houses built by his Lordship's father several years ago, probably 50 years ago, are in just as good a condition to-day as if they had been erected yesterday; of course they have been kept in good repair.

2481. But in cases where you give leases, would you, or would you not, consider that a certain length of lease, although the improvement at the end of that lease (such as a house, for instance) might be in so perfect a condition as to be in a condition as to allow the enjoyment of it by the tenant, would have more than repaid him for the outlay; or would you still think that it ought to be considered as property for which he ought to be paid?
That would depend upon the nature of the original agreement. If you give a man 50 acres of land, which are now worth 1*l.* an acre, and no more, and if upon those 50 acres he builds a good substantial house and offices, which would cost 400*l.* or 500*l.*, and if he pays for 31 years, the full value of the land, I have always considered that, at the end of that time, such an unexhausted and permanent improvement ought to be deemed the property of the tenant, as in England it is deemed the property of the landlord, the landlord having made the improvement either during the tenancy or at the start.

2482. Lord *Meredyth.*] The land, of course, would be increased in value by the erection of those buildings?
The land would not be increased in value, if I understand it rightly. It would

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would be just like taking a shop in a town. It would be more useful to the tenant in the way of his being able to work the farm, but it would not increase the value of the land.

2483. But it would increase the value of the farm, would it not?
Certainly not.

2484. Supposing that there were two neighbouring farms of equal quality of land, one with a good farm residence on it, and the other without one, do you mean that they would fetch an equal rent in the market?
Certainly not, but that would not affect the value of the land, which was what your Lordship started with.

2485. It would affect the value of the farm, would it not?
I quite admit that a good farm, with a good house upon it, is better than the same farm with a bad house, or no house upon it; but if, at the original taking, you charge a man the full value of the land, and if that man says, for instance: "I have a neighbouring farm, and I will live upon that, and build no house upon this other land," and he manages it for 31 years, how much better are you off, if you have a tenant who comes to live on the farm, and who not only improves it by his residence upon it, but who builds on it?—I think that the length of the tenure is a very proper and fair consideration, but I am only putting the case of a 31 years' lease. His Lordship asked me a very intelligible question to every one acquainted with land, viz., whether I would put into one classification all sorts of improvements. Of course I would not. That was the idea with which I started, if your Lordship will keep it before you, though I may not have expressed myself felicitously.

2486. I thought you said that at the end of 31 years the house would be just at good as it was at first; and that, therefore, the tenant would be entitled to compensation?
That was in connection with the question whether I would put all improvements into one classification; of course I would not.

2487. Earl of *Stradbroke.*] Would any tenant be able to make more money out of a farm which had good buildings than a tenant who had a similar farm without buildings?
Certainly; but if the tenant makes the building, who ought in equity and honesty, to have the advantage of it but the tenant? If your Lordship had made it for him you would have put on to the rent five or six per cent. for the house.

2488. Would not that be a question of time, as to how many years he had the advantage of the building?
Certainly; and if at the end of the time the buildings were as good as if he had only erected them the year before, why should he not be compensated in the same way?

2489. Therefore, although, in consequence of having built the house 30 years before he had had a great benefit in the increased produce of his farm, still you would give him the same remuneration at the end of the term of 31 years as before?
I would not give him the same remuneration in that sense. It is a very complex question to answer at one issue. I would not give him the same remuneration, but I would consider that, if the landlord were to make those buildings at the beginning, we will suppose of a lease for 31 years of a farm of 50 acres to a tenant, and were to say, "Now, I will build a house for you and lay out 500 *l.*; 300 *l.* on the house and the balance in drainage, and clearing and fencing," and he did so, he would charge the tenant with the proper increase in the value for that, and the landlord enjoys the rent of it, I can see a principle of equity at all in that; in fact, I think that the system in England is an unanswerable proof that a corresponding system should exist in Ireland, the parties merely being changed. In England the landlord does it, but, unfortunately, from the number of small holdings and other matters in Ireland, the landlord cannot do it there.

2490. In the one case, if the landlord built the premises at the commencement

ment of the lease, the tenant would pay an increased rent; but if the tenant built the premises, he would have it at a lower rent for the 31 years?

At a lower rent, because you could only charge him for what you gave him, the land.

2491. *Chairman.*] Supposing the landlord to do it instead of the tenant, and supposing that he charged him, say 5 *s.* an acre more for the land, it would be the same improvement; at the end of the 30 years the landlord would have been repaid for the improvement by paying an increased rent, would he not?

He would, but the tenant would have been entitled then to his contract. He would be just like an English tenant; he got the farm in working order and paid for it, and the landlord has the right of property, which right must be as much respected as anything else.

2492. And he paid his rent accordingly?

Certainly.

2493. But at the end of the 30 years, he would have the enjoyment of that house, and he would have paid for that house?

But his own capital built it.

2494. I am supposing the case where the landlord built it?

In that case he is entitled to the rent for his outlay, and he is entitled to his contract; and no question of compensation or of right can arise in it, but the fulfilment of the lease.

2495. But yet, by the increased rent, the tenant has paid for the house for 30 years?

Why not? It is not his money that has built it.

2496. But if, in the other case, he has more than repaid himself that sum, why should he not be in the same condition as if he paid it by rent?

Because he does not repay himself out of the buildings in 30 years. They are only a portion of the whole thing, of the means whereby he makes his rent. Take the instance of a road: suppose that the landlord or tenant makes a road, surely it would not be contended that that road, if it were kept in repair, at the end of 30 years would not be just as good for the farm as when it was made.

2497. Lord *Meredyth.*] Supposing that you have a farm without any of the necessary buildings, and the tenant has to erect buildings; what lapse of time would you allow, in order to compensate the tenant for that?

I think that a 31 years' lease in Ireland for general purposes, in the way in which most farms are situated, would be a signal advantage to the tenant, and would cover all reasonable improvements, and would be as great an advantage to the landlord as I think any landlord would wish for. In fact, the practice on most well-regulated estates is not to set up a question at all about the termination of the tenancy. It is some small landlord who turns out a wretched or quarrelsome tenant which makes the rule, and then good landlords are abused.

2498. Then you think that a tenant would be compensated by a 31 years' lease?

I think so, as a general rule, for an improvement existing; but if the tenant builds a slated house, with offices, and not a thatched cabin, and a long slated shed for 20 or 30 cattle; and if that is in good condition at the end of 31 years, I think that he would be entitled to compensation, if he is evicted from that holding by reason of the 31 years expiring. I would in most cases say that a 41 years' lease would be fair and reasonable, speaking of the general character of the improvements done in Ireland, and not of the highest class of improvements which you might effect.

2499. Earl of *Stradbroke.*] But for an improvement suitable to the farm in question?

Yes, not suitable in the highest sense, such as an English or Scotch farmer would require; but suitable for the improvements which are, at present, carried on in Ireland.

2500. Viscount *De Vesci.*] Including buildings?

Including buildings.

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2501. Lord *Dunsany.*] You are speaking almost exclusively of buildings at present, are you not?

I am speaking of the general character of the improvements, including buildings, drainage, walls, fences, and the like.

2502. Earl of *Stradbroke.*] You are aware that a tenant in England, who only farms 50 acres, does not expect a very grand house?

I am aware that he does not; and I would consider that any tenant who set up a claim for improvement for a house, which was not exactly suitable to the land, ought not to be indulged in it at all. I think that every improvement ought to be suitable to the nature, extent, and condition of the farm.

2503. Lord *Meredyth.*] Then, according to your calculation, it would be really the interest of the landlord, in every instance, to make the improvements?

I always advise that.

2504. Because he could borrow the money, and in 26 years he would be repaid?

Yes, I mentioned a number of small tenancies; but I always consider in Ireland that it saves a great deal of heartburning and misunderstanding, if the improvements can be made by the landlord, because no question can then arise. It is only in the case where improvements are made by the tenant (which is unfortunately too often the case) that such questions arise, which lead to such heartburnings.

2505. Would you allow the tenant, or would you allow the landlord, any set-off on the rent which had been saved by the tenant; supposing a farm of 100 acres, we will say worth 1 *l.* an acre, with the buildings, of course, it would be worth more, would it not?

Certainly.

2506. Supposing it had been worth 5*s.* an acre more, the saving of rent to the tenant would be very considerable then in 30 years, would it not?

Is your Lordship supposing that the landlord has built the premises?

2507. I am supposing that the tenant has built the premises. Would you allow to the landlord any set-off on account of the rent saved by the tenant, the tenant having really saved a great deal of rent by the transaction?

I would not, because I think that is exactly what the energy, ability, or thrift of the tenant does; but at the end of each lease or contract I would take into account the alteration in the value of the land, and divide it fairly between that which is apportionable to the landlord and that which is apportionable to the tenant; I think, for instance, that the tenant having had the land for 31 years, has no right to say, "You must make a new contract with me at the end of 31 years for the same 1 *l.* an acre as you did before." Very likely there would be an increase of the prices of the productions of the farm, and I take that into account; and, therefore, I do not think it would be at all equitable to say to the landlord: "You have given me a lease of the land for 31 years, and now you must set it at the same ratio as you began at 31 years ago."

2508. From your experience of landlords and tenants in Ireland, you do not think that the tenant would consider that unreasonable?

On the contrary, I think, in a fairly stated case like that, it is almost impossible to lead to misunderstanding between landlord and tenant, who are only anxious, the one to have a respectable tenant, and the other to have a good landlord.

2509. *Chairman.*] According to your experience, is the notion correct, which is very prevalent, I think, in this country among many people, that there is what is called a great competition for land in Ireland (as we know or believe to be the case in Scotland), and that, at the expiration of every tenure, the landlord puts his land into the market and sells it to the highest bidder, or does he not rather consider the ancient relations between him and his tenant, and come to a moderate and fair agreement with him?

In most cases it is so, especially on all the large and well-managed estates. It is only, as I have said, some small landlord with a small income, and probably

bably with a large family, who puts up the land at the highest penny; and every other landlord in the county is abused accordingly.

2510. But those are exceptions, are they not?

Those are exceptions; and I believe it is because, as they say in engineering, the bridge is no stronger than its weakest part, that there is so much misconception and so much abuse of landlords in Ireland.

2511. Exceptions there are, of course; but is there, generally speaking, that hostile feeling between landlord and tenant in Ireland which is very often supposed to exist?

No; but there is a feeling of great distrust in most cases, and there is also a feeling that, to a certain extent, the prosperity of the tenant, if it were known to the landlord, might be prejudicial to the tenant. There is a shadow which comes between them in the shape of distrust, and that exists even on the best managed estates to such an extent now that I know tenants on such estates who affect to say that they do not care for leases because they do not like, by asking for a lease, to acknowledge that the land is so valuable to them as it really is.

2512. Earl of *Stradbroke.*] Or, because they fear that on the termination of their lease it might be put up again?

Just so; or that a reduction might, in bad seasons, if asked for, not be granted.

2513. Do you approve of the English and Scotch system, under which, where a farm is let for 21 years, or 31 years, at the expiration of that time the landlord has the farm revalued at a fair rent?

I do; and that is what I always do for my Lord Annaly. If a lease expires I always have the farm revalued, taking everything fairly into consideration, the lapse of time, the value of the improvements, and the present condition of prices; and then I never take into consideration the thousand and one offers which I get for every farm from people who would give double the rent, merely in order to get possession of it, and who would, next year, try to get an abatement. In fact, the idea which my Lord Meredyth mentioned, that the land in Ireland is in most cases left to the highest bidder at the expiry of the lease, is quite a mistake. That is never done on a well managed estate; and if it was done, it would soon be a very ill-managed estate, with a good deal of arrears and a good deal more that is objectionable.

2514. *Chairman.*] And with, perhaps, what we may call a little energy or vigour beyond the limits of the law?

That would indubitably follow.

2515. Do you know any better way of guarding against the evils which you have mentioned, and which there is no doubt do occur, from landlords not managing their estates well, than by leases clearly expressed and easily enforced?

No, I entirely approve of leases in all cases, and I would go so far almost as to say that I think there is a very good precedent in one of the well-known clauses of the Statute of Frauds, that no agreement for land, unless in writing, for a longer period (as well as I remember now) than three years, should be binding upon the parties. I would follow that between landlord and tenant; and I would make no contract for land in Ireland for a less period than four or five years, so as to allow a proper system of rotation; and I would not allow a tenant, even if he were only a tenant by parol, to have a mere occupancy from year to year. That is the most fatal thing to landlords and tenants in Ireland that has ever occurred. It paralyses all industry, and, in many cases, it injures the property of the landlord very much.

2516. Lord *Meredyth.*] But might not the effect of that be to prevent the landlord from giving a longer lease?

I only mention that I so abhor the system of parol-letting from year to year, that I would let no term be shorter than what would include a fair rotation; but I am altogether in favour of a lease, not shorter than 31 years; and I maintain that most of the landlords whom I know in Ireland wish to have good

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tenants, and well-paid rents, and well-managed farms; and a 31 years' lease would do that much better in many cases that it is now done.

2517. Viscount *De Vesci.*] But in case a landlord, as you know in some estates is the case, gives the timber and slates, which are the most valuable parts towards a building, and the tenant builds the walls and gives the labour, would you require as long a lease as a 31 years' lease.

I would; any landlord that gives timber and slates, and does not do draining and does not make the walls, leaves much undone. I know the whole system; it is a kind of division or partnership. The tenant gives the labour, and he very likely gives the lime, and he pays the masons or slaters and carpenters; but at the end, when the house is built, very likely, in the lapse of 30 years, he forgets having got the timber and slates; or, very likely, the man that got it is dead, and the son thinks that his father built the house, and then, if disturbed, he feels aggrieved to the same extent. Any landlord who merely gives slate and timber you will find, as a rule, does not clear his fields, or square them, or drain them; and I maintain that, until you have a proper law of landlord and tenant in Ireland, you will never have that most important matter, a system of arterial drainage.

2518. You divide improvements into two classes; one, including such things as draining; and the other including buildings; and for the buildings you said you would require a longer lease; but supposing that the landlord had laid out the greater portion of that money, would it not be an encouragement to the tenant to build the walls on the 21 years' lease?

It would not; I tell you frankly that, in Ireland, no one values a 21 years' lease. I know tenants on estates in Ireland, who, if you offered them a 21 years' lease, would not have it, unless under some peculiar circumstances; such as if the estate was going to be sold in the Landed Estates Court; or if the owner was heavily mortgaged; or if there was some calamity; otherwise they would not pay the lawyer of the estate for the drawing the leases.

2519. Lord *Dunsany.*] You are in favour of 31 years' leases, but I presume that would mean 31 years' leases to suitable tenants?

Certainly; I do not think it would be desirable to have any but suitable tenants.

2520. And, therefore, you would not say that, in taking a large tract of land, whether owned by one person or by several, justice and expediency required that every existing tenant should have a 31 years' lease?

No; I think that some tenants have such small holdings, that it makes no great matter whether they get a lease or not. My own principle has been this (and I have been very fortunate in being able to preserve it): though Lord Annaly, in some cases has very small tenants, yet during the 10 years I have been his Lordship's agent we have never had two evictions, even in the smallest holdings; and I have made it a rule on the estate that I have respected the *status quo* from that time, just as much with the smallest farmer as with the greatest. I have never turned anyone out; and I do not think that during the last 10 years (and some of them have been severe ones), Lord Annaly has had to give 50 *l.* in abatements over any of his large estates in Ireland.

2521. *Chairman.*] Is it not very easy to draw the line as to what can be properly called a farm taken by average, because it must depend, of course, upon the quality of the land. I do not know whether you have ever drawn the line very strictly in your own consideration, but would you give as much as 31 years to the small holdings of five, six, and 10 acres; would not those leases, so given to any extent over a large property, possibly interfere very much with the general plan of the improvement of the country?

In deciding that point you have to select between, either putting them out or retaining them; and what in the north of Ireland, for instance, would be considered a large farm, is considered by us in the south a small one. There are farms in the north of Ireland which enable farmers, though the farms are smaller than those in the south, to live independently. Their children find some industry in which to occupy themselves. The way in which I have avoided the great difficulty suggested by your Lordship is, that so long as I was paid the rent I never disturbed the smallest holders.

2522. Lord *Meredyth.*] Did you give a lease?

They have not asked me; they either affect to be so confident of the landlord, and, perhaps, to have such confidence in myself, that many tenants to whom I have offered leases have refused them, though others have taken them.

2523. Were those small holders?

No, the tenants of small holdings have so precarious a life, and their daily wants are so many, that I think there is very little or no claim on their part, for leases throughout Ireland.

2524. Duke of *Devonshire.*] Where would you draw the line, in your opinion, between those who ought to have leases and those who ought not to have them?

I should like to draw the line at those who have a perfect ability to pay their rent. That would save me all the trouble of getting rid of a tenant; but I think that, in general parlance, any farm under 20 or 25 acres is incapable, one year with another, of supporting a man and his wife and family in decency, and enabling him to educate his children.

2525. *Chairman.*] Then you would hardly give a lease for 31 years to a man holding less than 10 Irish acres?

If he was a good tenant and paid his rent regularly, and if I thought it would encourage him, I would; I would do anything that would encourage or help him to maintain himself there; but I would do it, because my Lord Annaly's treatment is equivalent to a lease of 31 years. We ask the tenant to do nothing, but to pay his rent not to sublet, and not to assign; and what is the difference between that and giving a man a lease?

2526. What would you do in cases where you might wish to make improvements in a small district, or in townland where it might be capable of great improvement, and where if all the small tenants held leases there might be a great difficulty in dealing with them, although, what you proposed to do would be greatly for their advantage in the end?

The system of, either clearing a small townland, or of clearing small tenancies, begins by eviction, and that might lead, in many cases, to trouble and bloodshed.

2527. I did not intend, necessarily, to involve by "improve" clearing; you might keep every man on the land, and yet enforce some system of improvement which some of the tenants would very often not be very ready to submit to, in accordance with your wishes. What course would you then adopt?

The tenants of Lord Annaly, I find, certainly are always as willing to enter into every one of my views as if they had no lease at all, in anything concerning the drainage or the improvement of the land.

2528. Do you think it would be a reasonable proposition that every tenant should have granted to him by Parliament, at once, a 60 years' lease?

I do not; I think that is my friend Mr. Butt's proposal. He has the advantage of very great genius and very great power of mind in treating the subject; but I think the only point in which he fails is the want of a practical knowledge of it. I think that a 61 years' lease, under existing circumstances, might do a very great deal in the way of giving security, but I do not see how it would really be applicable to a great many tenants in Ireland who are under circumstances which I need not designate, and I do not see how it would be just towards the landlord.

2529. Would it, in your opinion, tend to improve the country very much?

I think it would have a very great tendency to improve the country in many respects, because, looking at the past history of the land question in Ireland, everybody knows it is not a history of yesterday or of this century, and I think it would have a very beneficial effect; but I am not prepared to say that such an act of the Legislature would be justifiable, unless there was a compensation schedule at the end of it.

2530. You would still less, I apprehend, then, approve of giving a 100 years' lease wherever a man had built his house?

I have heard it argued by very able men, that you have as good a right to give a tenant on a farm a 99 years' lease for building a house as for building a

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house in a town; but I myself think there is a very great difference between the cases. I do not think that the tenants of Ireland, for farm buildings suitable for farmers, would ask it. They might wish to get it; we all wish to get as much as we can, but I could not concur in that idea.

2531. But, practically speaking, would not leases of that kind tend to convey the property from landlord to tenant under the sort of tenure which is called in England copyhold or leasehold; and would not tenants who so held in that manner be, as the occupants of houses to which you have referred in towns are considered, the owners of houses?

To a certain extent it would be an extension of the copyhold tenure; but happily that copyhold is, by the custom of England, exactly the example of that tenure or custom which exists in the north of Ireland, and which has sprung up and is maintained there.

2532. A copyhold proprietor is not considered in the same light as a tenant, I suppose?

No, he is a superior class of tenant, by the custom of the country and the recognition of the law. You would have many such holders in Ireland if the courts in Ireland recognised the custom, as the courts of Westminster have done.

2533. You would create by that proposition a number of copyholders throughout the country. Do you think that could tend to improve the country generally?

I have not the slightest doubt that it would improve it, provided you inserted a compensation schedule, at the end of an Act of Parliament, to compensate landlords whose property you gave away.

2534. Do you think that, under those circumstances, the country would improve?

I think that if any man in any part of Europe were made his own landlord, and had no rent to pay, it would be a greater incentive to improvement than if he had to pay, as they have in many cases, the whole value, and much more than the value of the land.

2535. Do you think that small proprietors are better than large ones?

That is a question which has been very much discussed by the ablest men of Europe. I think that the guiding principle for such arguments is an appeal to those principles of human nature which exist in every country. Men always wish to be independent, and to occupy a house or a farm themselves.

2536. Do you think that, in agricultural districts, there are small proprietors who do improve their land?

I do. I consider that a most mischievous fallacy was created, towards the close of the last century, by Mr. Young, in his travels, and which still exists to a great extent. He went abroad with the conclusion that nothing but large farms would do, and he found fault with everything which did not agree with his own conclusions. But those are points which are debated by the ablest economists in Europe, as I said before.

2537. Are you aware that the Reports of the Commission to inquire into the state of agriculture in France have given to the Government very strong opinions to exactly the reverse effect; that the agriculture of the country is deteriorating, and has deteriorated very much, in consequence of the small proprietors?

I have never seen those Reports, and I might not concur with them, if I read them thoroughly. I hear people abuse the tenant-right of the north of Ireland, because one tenant gives so much money to another tenant to obtain possession of the land. That is the very point where the bridge breaks; but look how the tenant-right of Ulster has improved the province of Ulster, as compared with the other provinces of Ireland.

2538. But do you think the tenant-right of Ulster has improved the land very much?

I do. I am perfectly satisfied that a good deal of the difference of value between the province of Ulster, which is vastly inferior to the other provinces of Ireland in natural fertility, is due to that system which has sprung up, and

and the result of which is that the tenant-right alone of that province is valued at over 20,000,000 *l.* sterling.

2539. Are you acquainted with the county of Donegal?

I have often thought of going there, but I have never been, although I have heard a great deal about it.

2540. Is it not considered among the most backward counties in all Ireland?

I could scarcely give an opinion beyond this, that I have heard that it is a very wild mountainous district, and I should, of course, come to the conclusion that it is what your Lordship suggests it is; but I have never been there, and I ought not to speak about it on that account.

2541. Would you advocate the system of tenant-right in preference to leases for compensation to tenants for improvements?

No, I prefer leases, because I think that leases define the obligations of the landlord and of the tenant. They allow no man to say that he is working in the dark; they allow no man to say, "Your Lordship is a most excellent and admirable landlord, but in a day or a week your son may turn out the best tenant on the estate." I have practised for several years on Lord Annaly's estates the tenant-right of Ulster, and whenever a tenant wished to go away and sell his interest in his farm I have alway permitted him to do so, and it enabled me to get rid of two or three people whom I thought it an advantage to lose.

2542. You have already spoken about buildings to tenants; do you think that all buildings at the periods for exhausting improvements ought, as much as possible, to be regulated by lease and written contract between landlord and tenant?

I do. I think, as I said before, that there is an advantage in written contracts. I would always call them "leases." The word conveys a magical idea in Ireland, if you only call any agreement a lease. If a man has only a letter, or a writing, he does not think the same about it as if he had a lease.

2543. In those leases you might specify improvements to be made, might you not?

In several cases on my Lord Annaly's estate, he has given leases with a covenant to a tenant to build a certain house, or office, or to do other certain improvements specified, and those are to be at the rate of 50 *l.* or 60 *l.* a year for some three or four years, and then when he does them, there is the lease to secure his outlay.

2544. Then you would not recommend that that lease should be given until the improvement is made?

I would; I always find that the best way, to treat the tenants with the utmost confidence.

2545. Then have you not known cases, either in your own experience or otherwise, where the provisions of the lease have not been fairly carried out by a tenant?

I have known many such cases, because I have had a great deal of experience in those matters. My first experience was in criminal proceedings on the Munster circuit, with Sir Mathew Barrington, whose apprentice I was, and then I became acquainted with it in the quarter sessions court at Limerick; and I have known leases over and over again, the clauses of which were violated, as your Lordship suggests.

2546. Does the law now afford any easy and simple mode of enforcing those provisions?

None at all but a most expensive and mischievous one; you could only enforce it in the Rolls Court, or in the Court of Chancery.

2547. Would you be in favour of a system of law whereby all provisions in leases might be brought under the operations of the courts of quarter sessions?

Yes; the construction of any legal agreement between landlord and tenant ought, I think, to be tried cheaply, and at the doors of the parties who may wish to have it construed or applied.

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2548. Would you think it reasonable to limit the powers of the chairman of quarter sessions in such cases by the amount involved, or by the nature of the suit; or do you think that the same system which might regulate a matter in dispute for a rent of, say, 10*l.* a year, might fairly be applied to a suit which involved 200*l.* or 300*l.*?

I think I understand the general principle of your Lordship's question to be, whether or not matters, involving a larger amount and other issues than are at present sent to the county courts, ought to be by Parliament placed within their jurisdiction; I think that they ought; I think that the county courts at present in Ireland are admirably constituted; that their jurisdiction ought to be enlarged; and that in every case relating to landlord and tenant there ought to be a judge, with power to have a jury, if it were demanded by either party, to try it.

2549. How far would you think it reasonable for us to go in the way of compulsion upon landlords and tenants to make leases; do you think that this Bill goes too far when it bars the parties from having recourse to the quarter sessions court, unless within two years they have some written lease?

It struck me when I read it, if I may say so, that virtually that would be, like many of the clauses of the Bill of 1860, inoperative. On no well-managed estate in Ireland is two years' rent allowed to run; and if it be allowed, the man with an empty pocket can despise any demand on him, he does not very much care what you do to him. It is proposed to bar the recovery of rent for land held for more than two years without a written contract; I understand that that is to bar the recovery of the rent.

2550. It would not be a bar to the recovery of rent for two years, but it would be a bar, as I apprehend, to the recovery of any amount of rent for, say, six months or a year, unless within two years from the passing of the Act there was some written contract, which is called in the Bill "a lease;" what is meant is, that two years hence no man could come into the quarter sessions court to enforce the provisions of a lease, unless he could produce a lease between him and his tenant; and that he could go into an equity suit there about a parol agreement, to be sustained by witnesses, as he might do at present; the Bill proposes in that case to send him up to a superior court?

Exactly; but then you take away an undoubted power. I did not at first read this explanatory suggestion correctly; I thought that it had a different import. On the other hand you leave a tremendous power, which is more than equivalent to the one that you take away, for instance, to my tenant: I say, "It is true that I made a parol agreement with you, and I cannot recover the rent; but if you do not pay me at once, I will instruct my solicitor to bring an action of ejectment against you in the superior courts," which is a terror to all people in Ireland. If your Lordships left out the last clause, and only went as far as the word "contract," I question then if there would not be a very stringent power. It is a very stringent thing to say, in the first part of the sentence, that the landlord shall not recover if two years elapse before he makes an agreement for the land in his tenant's hand. That is a very strong thing to say, and I am not prepared to say that I should suggest anything so strong; but you put into the latter part of the clause an equally strong power of ejectment which nullifies the first. All the tenants in Ireland, with very few exceptions, cling to the land with very great tenacity.

2551. But you would remove from the landlord the power of proving his title to the land?

No; but I only explain that in the case, as your Lordship put it, what you take with one hand you confer with the other. You take away with the right hand the power of distraining for rent, and with the left hand you give a stronger power still to sweep the tenant out of the land altogether.

2552. But it would cost a landlord a great deal to take that course, and no landlord would do it excepting under strong pressure of circumstances, would he?

I think that it would be equally objectionable in both ways. I know that it is very difficult, and probably the most difficult, part of the whole question how to interfere so as not to put undue compulsion upon owners of property, or how to recommend to landlords in Ireland the adoption of leases; but I

am not prepared to say now that I would adopt either the first or the second portion of this sentence.

2553. It would be difficult, not only as regards landlords, but from what you have lately said, as regards tenants also. Do you think that the tenants in the parts of Ireland which you know in the enjoyment of tenant-right would object very much to entering into leases?

That is one of the great difficulties of the whole question, as every one who has studied it understands. An Act of Parliament which might deal beneficially, or even in an arbitrary manner prospectively, with the rights of the landlords in the south of Ireland, if it applied to Ulster, would confiscate by implication the whole of the tenant-right.

2554. Would not the tenant-right become more valuable if it was a lease recorded than as being a mere parol engagement?

It would, but there would be no retro-active clause in this Bill. You would not say that those who had heretofore expended money in improving land in Ulster should have a lease, securing their improvement and outlay; you would say that hereafter those who laid out their money should have a certain security or a lease, but that lease would begin from the present or some future period of time.

2555. But that lease might be a lease to hold from year to year, and that would be as valuable surely as a mere parol agreement, holding from year to year; it does not necessarily affect the tenant-right?

If you gave a lease to every tenant who enjoys the custom of tenant-right, of course, if that lease extended over a longer period than the average period for which the tenant-right sells, he would be benefited to the extent of the difference.

2556. But according to the Bill, he might be a yearly tenant by lease or written contract, and the goodwill might be just as valuable as it is now, when it is only held by parol?

That has never been the idea of the people in the north. They have always felt that any Bill which attempted to settle the question in the south or west would ruin them. That I have had from many of the most eminent people in the north of Ireland.

2557. We wish to have your opinion as to how far that error might be dispelled, and how it might be shown to a man that he might have the goodwill of his land reduced to writing, and held by a lease just as well, and indeed, in the opinion of most men, better than by a mere parol agreement. Do you think that there would be great difficulty in inducing the tenants of Ulster to agree to have their tenures recorded in leases?

From what I know (I can only speak within that limit), I believe so; and I believe that is the opinion of most of the people to whom the tenantry are accustomed to look as guides. They consider that no Bill which you could introduce, giving security for compensation or improvements, or giving a short lease, would at all compensate them for the position which they have now won.

2558. You understand, although they do not, that it need not necessarily affect tenant-right at all; but you think that it could not be explained to them?

I am afraid that the construction of the law of any Bill would be, that anything which was not included in it would be directly against them. They look to the past, and claim a retrospective clause for improvements made.

2559. But the tenant-right, as a custom, has no regard to improvements at all. A man who has reduced his farm, according to the evidence before us, to a *caput mortuum*, is allowed to get what he can for the land when he is turned out?

The tenant-right includes various things; it includes either improvements or drainage, or houses, and what is familiarly called in Ireland "goodwill," and that may exist on a farm which is in a very bad state indeed. I have known disputes about the worst and most wretched farms in Ireland to lead to murder.

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2560. But the mere holding of that farm by a written lease could not injuriously affect the goodwill of it, and the lease need not be more than a lease for one year. It might merely be a lease, that such a man did hold from such a landlord such an extent of land; and that part of the lease would have nothing to do with improvements?

I answer with great reserve; but my impression, gathered from some acquaintance with men in the north of Ireland, and from my knowledge of the general subject is, that any Bill which you could introduce, even a Bill compelling leases to be given, would not be looked upon with very much favour in the north of Ireland; that is to say, that they believe that the custom, as it at present exists, though it has been sometimes violated, is more beneficial to them. I am speaking now of the tenants.

2561. You are aware that the custom cannot be enforced at law, and has never been recognised by any court?

I am aware that that is so. If it had been so recognised you would have copyholders in Ireland just as you have in England. It was the recognition of the Westminster Courts which made the copyholders in England.

2562. Do you think that a good or bad state of the law?

I think that every one who knows the history of the law in this country knows that the effect of the recognition of general customs and usages, or of particular customs and usages, has been to remedy some defect or hardship in the statute law of the country.

2563. Or some deficiency?

Or some deficiency. It is public opinion which finds expression in a legal and equitable tribunal, and some say that our judges in Ireland ought to have had more courage, especially as they had precedents to follow.

2564. Do you not think that the recording of the tenure of the tenants would be likely to lead practically to the recognition of that custom?

No, it would abolish it altogether, because the understanding is, that so long as a man pays his rent he shall not be turned out; and if he cannot pay his rent he may sell to another; but if you give him that lease, in construction of law you may turn him out at a minute's notice. It was stated before the Earl of Devon's Commission that any attempt to disturb the tenant-right of Ireland would lead to very serious consequences.

2565. I am not talking of disturbing the tenant-right, but of disturbing the tenant; and I apprehend that in Ulster a tenant is turned out as easily as in any other part of Ireland?

I think that the returns show that it is the exception.

2566. According to the evidence before us, lands are constantly changing hands in Ulster, and tenant-right is paid and received in large amounts all over the country; but that cannot take place if the tenants are not disturbed?

No; but those are exceptions. The tenant-right would be valueless if it only meant that the tenant might, when he was turned out by his landlord, sell his interest. The complaint against the system is this: that it is a selfish thing in the interest of the landlord to get his rent out of a bad tenant on a bad farm, or a farm which has been reduced to a low condition. He gets the rent from the in-coming tenant, but I never understood, and I should be very glad to be corrected if it is so, that the practice of eviction was at all known to the same extent in the north of Ireland which it has been in the other provinces.

2567. Surely the very practice of tenant-right, and the having a fixed tribunal of sale, would imply that it was so?

To a certain extent only, and mainly in those cases, as I understand, where a tenant wished to change or to go away.

2568. Lord *Meredyth.*] There are a great many leases in the north of Ireland, are there not?

I am not aware there are; I know that in the county of Derry, where the English companies under the Irish Society, had charters from the very beginning, compelling them to give leases, they have not been in the habit of doing so; and I think it was one of the allegations, in the time of Charles, against the Irish Society, that they had violated their own charter in that respect.

2569. *Chairman.*]

2569. *Chairman.*] The condition was not to disturb the farmer, was it not?

The condition was, as well as I recollect the charter, and I recollect taking some trouble some time ago to read the history of the Irish Society, to plant Protestant yeomen there, giving them 41 years' leases; but they never did it.

2570. Lord *Meredyth.*] You do not know whether there are leases in the north of Ireland?

My impression is, that over all Ireland they are rather the exception than the rule, and more so in the north of Ireland than elsewhere; but of course that is merely an opinion, and is subject to correction. There ought, I think, to be many leases where buildings exist for manufacturing purposes.

2571. *Chairman.*] You have probably observed in this Bill a proposal to abolish the present law of distress?

Yes.

2572. The Committee would like to know your opinion upon that point. Do you think that it would be advisable to abolish distress in all cases, or in some cases, or would you make an alteration in the way in which the law is put into operation?

I think that its total abolition is the only expedient thing.

2573. Are you in favour of that?

I am in favour of its total abolition. I have never had more than two cases in 10 years, on very large estates, of distress for rent. One case was that of a man who requested me to distrain upon him, and I was surprised at the application. He said "Well, Sir, the landlord may as well have the rent, as I have so many other creditors." The other case was that of a person who was going away, and I did not think it my duty to let him take the cattle off the land.

2574. Do not you think that the abolition of distress might, in some cases, be injurious to the tenant, as affecting his credit?

No; on the contrary, it ought to increase his credit to abolish it. It is just like a debtor who has some favoured creditor, to whom he gives what is called in law an undue preference.

2575. But as regards letting small houses in towns, or lodgings in towns, do you not think that if you were to abolish the law of distress in those cases it would injuriously affect their credit?

No; I think that as regards the general law of debt, the ideas which are maintained are still rude and savage, and that if you want any instance in which it ought to be abolished, it is in the case of small houses. I have seen the greatest cruelties practised; beds sold, and, in former years, tools sold (until the Act of Parliament put an end to it), and poor wretches went with little or nothing to the poorhouse. I think that the abolition ought to extend to every holding, both in town and country districts.

2576. It has been represented, that if you abolished the law of distress in many cases, the landlord or agent would obtain a decree for as small an arrear of rent as he could, so as to hold it always over the tenant's head, where he is not a very solvent man, or to enforce his claim and seize the goods in another way?

If I thought any one would resort to that (he must be a very small agent or landlord to do it), I would put a clause in the Bill making the rent in such a case irrecoverable. I think that that would be so clear an evasion of the law that I would make it illegal. It is very likely that it might be practised by some very low person or some very narrow-minded person, but it would be an exceptional case.

2577. Do you think that it would injuriously affect the interests of the landlord?

No, on the contrary, it has been proved that it would not. I do not suppose that in any well-managed estate you ever hear now of the law of distress being enforced; at least I do not know of any. Where you really have what is called a fair letting value for land in Ireland, the great hold on the tenant is the possession; he himself is the hostage to fortune in the matter. It is the possession which gives the landlord his best security, and if the tenant will not pay the rent, he finds 50 or 100 people to come and say, "I will give you some-

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thing for your interest if you will let me in." That is the great security for landlords in Ireland, as no doubt your Lordships are well aware My opinion is, that there would be very little of this cry of landlord and tenant in Ireland if you had not the smaller class of landlords, who really, I think, in most cases cause it.

2578. Lord *Dunsany.*] Is that cry really the cry of the tenant, or is it factitious ; is it the cry of people who wish to get into Parliament as advocates of tenant-right, or are the circumstances of the Irish tenantry such as to make them really entertain an unprompted wish that the laws relating to land should be different in the two kingdoms ?

It partakes of all the elements which your Lordship mentions. The tenants, I think, wish that they should have the security of a lease. Take, for instance, the familiar idea that Ireland was to be regenerated by the sale of all the land in the Encumbered Estates Court. With a few exceptions, the advent of those purchasers has been looked upon by all the tenant farmers amongst whom they came (and I speak now of cases where great estates have been bought or sold in small lots) as a most signal misfortune.

2579. I dare say that it is within your knowledge, though I never heard of it myself, that Lord Annaly may have been asked by the tenants to purchase 50 estates that he had not the least idea of purchasing ?

He has been asked to purchase several, because where he has purchased, he has generally been content with the rent under which his Lordship purchased, and anxious to improve the estate and the condition of the tenant.

2580. Then is not the fact that the new landlords have proved so bad, a sort of evidence in favour of the old landlords as a matter of comparison ?

No ; I should not agree with your Lordship, because I think that the old system of letting the tenant run into arrears, and of middle men, and so on, was very bad indeed.

2581. But as a body, should you say that the Irish landlords have been indulgent, or that they have been grasping and exacting ?

As a class, the landlords who were superseded by the Encumbered Estates Court were some of the most benevolent and generous men in Ireland ; and I do not believe that I could name one case in which their parting with their estates was not looked upon with regret by the tenantry. If they had any faults it was towards themselves.

2582. Still you think that the law relative to land should be made different in Ireland from what it is in England ?

No, I do not admit that principle. I contend that the tenant ought to have security for his outlay. That is the only principle which the law recognises in England ; but that the landlord should have an additional rent for the same expenditure, I never admitted. I know that Mr. Mill answered Mr. Lowe one night in the House of Commons, and said that England was exceptional, and not Ireland ; but without going into that refinement at all, I say that the same principle which pays the landlord for his expenditure in England, ought to recognise and protect the tenant's in Ireland. I think that that is the proper and fair way to look at it. That is what I have always done for my Lord Annaly, and I have found that to be always to his advantage.

2583. Lord *Meredyth.*] Do you think that if you gave an Irish tenant a farm provided as it is in England, and without a lease, as is very generally the case, he would be satisfied ?

I think that in most cases he would, and he would have nothing to complain of ; but I think that he would still like a lease. In England you have great skill and various means of living, which do not exist in Ireland ; and then I do not think that in England the people are so much *adscripti glebæ,* or have that passionate love which they have in Ireland for the soil. On Lord Annaly's estate, which I have managed for 10 years, I could not tell of five emigrations. We have not had five tenants, that I know of, who have emigrated.

2584. *Chairman.*] Voluntarily ?

Or otherwise.

2585. Do you agree with many of the witnesses whom we have had before us, that there have been very few solvent tenants indeed who have given up farms to emigrate?

I do; that is my own experience.

2586. Has it been your experience that the emigration has not been from the class of farmers, but from farm servants and farm assistants, and their children?

It is considerable from the small farmers, and it is also from a class of farmers who live on the estates of small landowners who exact a very high or excessive rent. They discuss with themselves whether a fortune does not lie in the new world for them, and the first bad year finds them paupers, and they emigrate. I am quite satisfied that many of those do go from estates such as I have mentioned.

2587. Has not the Encumbered Estates Court of late years afforded great facilities by the mode in which they have arranged the lots in selling estates for buying small portions of estates, so that a man who can buy them and cultivate them, is a farmer if he pleases?

That is so to a great extent; but it has not been seized upon, nor is it an idea which is likely to be entertained by farmers. I know there are very few farmers who are anxious at all to be landowners in the sense that your Lordship hears of. They would not like a neighbouring shopkeeper from the town, who never had an acre of land except an acre of potatoes, to go and buy, and in most cases he will not buy land with a lease on it. I say that the best estate which a capitalist can buy is an estate with leases, and this is a palpable argument in my favour. The estate which I can buy cheapest, and the rents of which will be best paid, and which is best for the purchaser, is an estate with leases, and why? If it were not with leases you would have the competition of a parcel of small shopkeepers and people from the neighbouring towns running in, and calculating that, after the first six months, they could serve a notice to quit and double the rent. I have known on one estate the rents were increased four-fold after the purchasers had entered into receipt of the rents. That class of people would come in and compete with you, but then, buying the estate for a certain sum, you have the security of leases; your tenants are well off and your rents are well paid.

2588. Lord *Meredyth.*] Would not estates on which leases were not granted sell to greater advantage than estates on which leases were granted?

To their honour be it said, in a great many cases in Ireland where the landlords have had to sell their properties, they have given leases to their tenants in order not to expose them to the system of which I complain.

2589. But looking solely to the profit of the transaction, is not that so?

I admit the nakedness of the argument that they would get more for selling their lands without leases, but I say it is to their honour and to their credit that they have not done so.

2590. Still, as you say, as regards the naked fact, it would be so?

I think that they would have got more money if the small capitalist had gone in and bought an estate of 200 *l.* or 300 *l.* a year with the prospect that he had nothing to do but to give notice to quit in order to double it. I assert now that the rent of part of my Lord Thomond's estate has been raised fourfold since it came out of the Encumbered Estates Court.

2591. *Chairman.*] Has it come to your knowledge that persons having bought a small lot of an estate, go to occupy and farm that property themselves?

It has been so in many cases; but I should not say that the number of small lots sold are within the reach of that class of people, but in most cases where they have done it, it has led to a great deal of heart-burning and ill-feeling. The small purchasers have either ousted the original tenants under them, as a rule, or they have raised the rents excessively.

2592. Lord *Meredyth.*] Do you know any instances where tenant farmers have bought land?

I do know, in Clare, of several cases, and in Limerick also.

2593. Duke of *Devonshire.*] Do you know how they are managing their

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farms; is there much improvement visible in the instances of those small proprietors who farm their own lands?

The estates with which I am most acquainted are pasture farms, and the very position of that class of men as purchasers is a precedent supposition that they are thrifty and well to do in the world; but I am not able to answer your Grace's question as to the improvement in the management or working of the farms.

2594. Have you observed that in this Bill it is proposed to abolish the present right of redemption?

I have.

2595. Do you think it desirable to retain that power of redemption after the *habere* has been executed?

I always considered that it was just one of the worst points in the law of landlord and tenant; I think that if through improper neglect to pay his rent, a man has a solemn award made in a court of law against him that he cannot hold the land, or that he cannot hold the land having violated the clauses of his lease, or not having paid his rent, that ought to conclude it; I do not see why that decree should not conclude that arrangement as well as any other arrangement between contracting parties.

2596. You are probably of opinion then, that if any extension of time was to be given to the men to clear up arrears of rent, it ought to be given before a decree is got and possession taken by another person; and that it is injurious to the land, and therefore to the country, that a man should come into possession or into occupation of land with the possibility that in the course of six months he may be turned out again?

The whole system of redemption, the setting of the land to a man for six months and getting very little for it, and the efforts of the tenant to keep out other parties, are very bad; I should not think of defending it.

2597. It has been suggested that it would be injurious to remove that power of redemption, because the mortgagees of a lease would have no notice, and the persons who had lent money upon a mortgage of a lease, and who might suddenly find their whole security destroyed without their knowing anything about it; do you think that is a valid objection?

I think it is a most admirable argument in favour of abolishing it; I should encourage as little as possible mortgages of leases, and I think that that is the great drawback to the system which your Lordship spoke of in France, where the small proprietors overlay their holdings with debt.

2598. The same suggestion was made also with regard to the interests of middle-men; do you think that those interests are sufficient to over-ride the general argument?

I do not. I would not do anything to act unjustly towards them. I am not aware that there are many such people in Ireland, but if there are you may be sure that they will be thoroughly alive and sensible of their own interests.

2599. You would not think a valuable lease should be sold, or that a tenant should be evicted for non-payment of rent without all the parties having cognizance of what was done?

I think that if the middle man lived in Nova Zembla, and whether he had proper notice of it or not, he would be made fully aware of what took place.

2600. Lord *Meredyth.*] Would you allow a tenant to improve without notice to his landlord or his agent?

That was the whole point of the inquiry before Mr. Maguire's Committee. That is the most difficult point, probably, in connection with the whole question, and I have considered it very much. I would.

2601. You are greatly in favour of the system of leases?

Yes.

2602. Do you not think that such a power would prevent the landlord from granting a lease?

No; but I think the giving of the lease evades the decision of that point, which is of such difficulty and importance.

2603. You

2603. You do not think it would prevent the landlord giving a lease?
No; but I say you evade the whole question of notice if you give a man a lease?

2604. But a landlord may not wish to give the lease?
Then I venture to give my opinion with great diffidence. I have considered that there is so much of backwardness in general farming in Ireland, that there are so many impediments to the real development of the actual value of the land, that there are so many arguments in favour of it, that even at the risk of what I do not mean at all to deny might be a little injustice, I would allow the tenants to make any improvements which are suitable (I would have that word "suitable" in all such clauses) to the farm as long as they were never beyond a certain acreable value.

2605. Do you think that such a power in the hands of a tenant would deteriorate the value of the landed property in Ireland?
I do not.

2606. If there were an undefined claim against the landlord at the end of every tenure, do you not think that the value of the land would be deteriorated in the market?
No, that is not the case where it exists. Property in Ulster will sell now for four or five years' more annual value than in Munster or in Connaught, and yet the very undefined claim that you speak of exists there.

2607. *Chairman.*] What claim is there against the landlord?
The right to occupy, and the right to assign, what I understand to be the right to live there. Your Lordship has taken many of the garments off what I understood to be tenant-right; I may be wrong in my idea, but what I understood you to limit it to was this, that it was a mere right to sell.

2608. What other right is there?
I think the peace of the province would not be worth an hour's purchase if that doctrine were understood to be practised in 10 estates in the north of Ireland to-morrow.

2609. You know that there are many rights that persons have in property which, if they were to exercise them, might disturb the peace of the country, but which nevertheless do exist without any harm?
That was one of the arguments against slavery, that you might sell a man from his wife, and a son from his mother, but that it was not often done, although the power existed. I think that tenant-right is a much fuller thing than your Lordship seems to think it is, though I may be wrong.

2610. Lord *Meredyth.*] But you say there are few or no leases in the north of Ireland?
I said that I was not aware of many leases existing.

2611. Therefore the two cases are quite distinct, are they not; if I give a tenant a lease for 21 years, he may still make improvements without my knowledge, and claim compensation at the end?
Granted.

2612. That is a totally different case, is it not, from the tenant-right in the north of Ireland?
Quite so.

2613. Then I say again, do you not think that an undefined claim against the landlord at the end of every tenure would lower the value of that land in the market?
I do not.

2614. Would you give the same money for an estate where there was a claim against you at the end of every tenure, you not knowing what that claim was, as you would under the ordinary circumstances of sale?
I would strive to answer your Lordship simply, and then explain, but that is a very difficult thing to answer. For instance, I can admit no such state of things as your Lordship supposes, upon the notion that the landlord in Ireland, or his agent, or his land bailiff, is to know nothing of what is done there, as if they

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they were living in Kamtschatka. It is simply absurd. Every landlord ought to have a well-managed register of every holding on his estate.

2615. It is true, we know, that people to whom landowners let their lands are, as you describe, suspicious and uneasy, and there would come in, as you have called it, that shadow between the seller and the purchaser, which, in the opinion of many people (and in my opinion too) would lower the value of the estate in the market, and render people very coy as to how they purchased?

Supposing you were going to sell an estate in the market, you would bring it, I suppose, into the Encumbered Estates Court, with a simple notice to the tenants, to state what their claims for improvements, which would settle the whole thing in three weeks.

2616. *Chairman.*] But by what process would you adjudicate as to how far those claims were well founded or not?

Between the owner and the tenant.

2617. It might very likely require an action at law?

Not if the Encumbered Estates Court allowed the thing to be settled as it does now.

2618. When a man has built a house, every man knows that he has built that house, and the question is, simply, whether that house is worth 200 *l.* or 300 *l.*; supposing it to be really worth 200 *l.*, I think you will allow that it is not impossible that the tenant would say it was worth 400 *l.*?

Very likely he would; we always take a good view of our own interests.

2619. Then a man going to buy an estate with leases, as you say you would recommend, would say, "Here is a man with his lease which has seven years to run who is going to come upon me with a claim for his house for 400 *l.*, and it is really only worth 200 *l.*;" but he would not buy the estate with the prospect of a lawsuit, if at the same time the rent would decrease, would he?

I would not ask him. Before the man is asked he says, "Would not this undefined claim limit the purchase and frighten the purchaser?" I say that you may decide that as well as any other question of tenancy by the Landed Estates Court. Notice is served upon you to know whether you have a lease or no; you come in and produce it; and the same notice might say, "Take notice that I claim any improvements which I have made since I became tenant of the farm," and they might be specified, and an affidavit of one or two witnesses would settle the whole thing.

2620. *Chairman.*] The judge would say, "You claim on your lease; in addition to that, you claim 400 *l.* for a house, but the agent tells me that it is only worth 200 *l.*"?

I would make an award for the 200 *l.* accordingly; otherwise the purchaser might be entitled to say, "On 20 holdings there are 20 houses, which cost 200 *l.* each; the leases will be up in a year, and I will get the benefit of them."

2621. Lord *Meredyth.*] Would not the value of the estate be less by so much?

Yes.

2622. Do you not think that it would be rather a hard case that the landlord should have no voice whatever in producing the state of things which had diminished the value of his property on sale in the Encumbered Estates Court?

I deny both propositions; I say that he would have a voice, and that it does not diminish the value of his property. If the tenant has *bonâ fide* improved the farm to the extent of, say, 200 *l.*, that is no loss, according to my idea, to the landlord, just as the landlord, if he laid out the 200 *l.*, would have a right to be recouped by the purchaser; I also deny that the man has no voice in the matter, because you do not compel the tenant to give notice; you would not get within the whole realm of Ireland 20 tenants to serve notices on any landlord, good, bad, or indifferent, to do anything, if they thought it would create the slightest unpleasantness, or create ill-feeling between themselves and the agent.

2623. Do you think that you would get 20 tenants-at-will, in Ireland to undertake improvements, notwithstanding that they may have the power to do so without the consent of their landlord?

I do

I do, and they are doing it every day. The history of the whole question is, that they have done it, and the misfortune is that, having done it, the law has been used against them.

2624. But do they undertake those improvements, knowing the landlord to be opposed to them (because that is the whole question), or do you think that you would get 20 tenants at will in Ireland to undertake improvements, provided that they knew that their landlord was opposed to their so doing?

I do not think that you would, and I quite agree with your Lordship there; but between the opposition which you speak of, and that toleration which would permit the improvement, or that indifference which exists, because the right is altogether on one side, there is a great gulf.

2625. Then do you not think it possible that to prevent the complications which might arise under a contrary system, the landlord would hold the power in his own hands, and not give leases upon his estate?

I do, but if I admit that, I fortify the whole argument for the necessity of some imperious interference. That brings us back to the proposition that there is no such improvement in Ireland as ought to exist.

2626. Do you think that the landlords would be disinclined to enter into compensation agreements under the provisions of this Bill?

I do, I think that most of the landlords in Ireland would have the greatest and most serious objection to enter into any compensation. I do not believe that if you were to poll the landlords to-morrow, except from the agitation on the part of the tenants or their friends, you would get 20 landlords in every county in Ireland, except men who are attached to popular principles, and who could not well forego their own previous life, to ask Parliament to bring in any Bill for compensation for improvement.

2627. *Chairman.*] In the case of the sale of an estate, would you allow a tenant to claim compensation against a purchaser, he giving by his lease compensation where he had not given any notice at the time of the sale?

Certainly not, and I have answered that already in another way, by stating that before I sold, I would ascertain what the claims were against the owner, just as the judge ascertains now whether a tenant has a lease, or is merely a tenant from year to year.

2628. If any tenant neglected to put in a claim, he would be barred?

He would be barred, just as he is now. I have known numbers of tenants barred in that way.

2629. Lord *Meredyth.*] You are strongly in favour of leases, are you not?

I think I may say that.

2630. You disapprove of this plan of barring the recovery of rent for two years; can you suggest any other plan, by which some little coercion might be laid upon the parties in order to induce them to come to a written agreement?

If you ask me for my opinion, I should simply say to you that if you mean coercion, or, say, compulsion, if it be your intention to suggest or to compel the giving of leases, I can tell your Lordship a very simple and the most expedient way of doing it without this clause at all, or without the second portion of it, namely, to declare that all contracts for rent shall not be recoverable, and that no action of ejectment shall lie for them unless they are in writing and for a certain term of years.

2631. *Chairman.*] Extending the Statute of Frauds to the fullest possible extent?

Yes, if you mean to do it.

2632. Lord *Meredyth.*] Then the landlords' only remedy would be eviction?

I would not give them that; if you want to compel people to give leases, I would say, "You shall neither recover rent nor evict," unless you give a lease.

2633. Suppose that a tenant is the party who declines the lease; what then?

In no case could he be the party to decline, because in no case would I put

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him in or leave him in. I would say to the landlord, "You shall not recover your rent or eject." And no tenant would hesitate to say, "Quite right; I will sign the lease before the agent gives me possession." It is a mere matter of neglect of business if this be not done.

2634. *Chairman.*] You seem, however, to be apprehensive that such a proposition to the tenant in the part of Ireland where the tenant-right prevails would be very badly received?

I think so; I have expressed a fear which I have heard expressed, by tenant-righters in the North of Ireland, and by men of very great capacity and ability.

2635. That in your opinion would be a very great objection, would it not, to what you suggest as a compulsory measure?

I am not dealing at all with the tenant-right question, I admit. There are three or four signal points of difficulty in this land question. I think that the first and the greatest is, that point about notice. I think that the next point is very likely the question of how you may compel people, as it were, to come in to their own advantage by giving leases, because you interfere to a great extent with the law of contract, and with the law of private property; and then in the next place, in the present condition of Ulster tenant-right, if you were near settling a Bill upon this subject, and your Lordships' House were ready to send it down to the House of Commons, I question whether any Bill which you could carry would be received as anything but confiscation of the existing tenant-right of Ulster, unless you put in a clause saving it, and not interfering with it, to the fullest extent to which it is known or understood.

2636. You do not think that you could put a compulsion upon the tenants of Ulster to reduce their tenure to writing, in the form of a lease, unless you at the same time recognised by law the tenant-right custom?

I think that it would be the most difficult part of the whole Bill. If your Lordships had two or three people from the North of Ireland, on that point, their evidence would be of greater value to the Committee than mine, but, practically speaking, if you would draft a few clauses embodying what you think would preserve the tenant-right in the North of Ireland in this Bill, or a saving clause, saying that the Bill would not interfere with it, I should say that it would require very great nicety in the draftsman.

2637. Lord *Meredyth.*] If such words as these were used, "I, A.B., let to C.D. 100 acres of land at 100*l.* a-year, from year to year, such tenure to be determined by six months' notice to quit by either party;" do you think that such wording as that would interfere, in any way, with the tenant-right?

It would be understood by all the courts of law if the question arose that nothing existed before that contract. It would be neither more nor less than this, as I understand the law, that it would be an implied statement, or recital, or clause in an Act of Parliament, that no right whatever existed antecedently to the date of the clause.

2638. But the tenant-right never has been recognised by law, has it?

No, not in law, but in fact. I think that one of the witnessses before the Devon Commission said, that you would have a revolution, or an insurrection, if it was interfered with.

2639. *Chairman.*] How would such a writing as is suggested affect the fact?

Because it would compel the judge to declare that he knew of nothing but the naked instrument which was before him.

2640. But does he not do that now in the case of ejectment?

He does; but there are many titles in the country into which people do not care to have inquiries made.

2641. Are you aware that this year an adverse opinion has been given as to that in a Court of Bankruptcy; did it happen to attract your attention?

No; but I know that if it came before any courts, the Court of Bankruptcy might be bound by it when the Court of Chancery could give no relief.

2642. I think the case is strong for this reason: that in that case the bankrupt,

rupt, the judge, and the landlord (the bankrupt being a tenant), all agreed that it was not recoverable by law; that does not surprise you, I suppose?

No; I am thoroughly conscious that the judge could give no other decision, and that several things have been decided from year to year, in the North of Ireland, in which a dispute arose, and the tenant-right, as far as regarded the law, was ruled to have no existence, but we know that it has an existence in fact.

2643. Lord *Meredyth.*] Would you register all contracts?

Yes; provided that I encouraged the system of leases I would register them all in the county in the clerk of the peace's office, or in that of the clerk of the Crown.

2644. Do you think that there would be any difficulty in that?

Not the slightest.

2645. I think that you stated that you approved of deciding all disputes as regards landed tenure by the county chairman?

As regards law, but I do not go to the extent of that Bill at all in making them judges of many questions which would arise as to drainage, and the value of improvements. On the contrary, every one who is acquainted with the assistant barristers in Ireland knows that many of them know no more about land and its management than I will not say Greek, but I may say Sanskrit or Chinese. Some of them are very old gentlemen. I knew an assistant barrister in the county of Clare, who, when he was very much puzzled about a case, always swore three attorneys to try it for him, and you would not in the first instance believe that those gentlemen being attorneys would be very good judges of the value of an estate.

2646. Do you think that there is generally, on the part of the people in Ireland, confidence in the administration of justice in the Quarter Sessions Courts?

I do. Of course many of the judges are old, and very often the appointments are not exactly of that nature which would inspire the highest confidence, but I think the assistant barristers as a body are men of very great talent, and some of them of the highest integrity and capacity. I think that their jurisdiction ought to be extended in many cases, but I think that Parliament has been making a serious mistake with regard to those courts, because, while they have been extending their jurisdiction, they have been limiting their fees. They have been lowering the type of the men who are to conduct the business in those courts, though they have been extending their importance and jurisdiction. It ought to be the object of Parliament to improve that class of professional men.

2647. *Chairman.*] Do you really think that there would be no practical difficulty in registering all contracts which were made, even of the smallest character, such as, for instance, a contract for a labourer's cottage which he holds from year to year, or from six months to six months? I apprehend that it is your opinion, as well as that of most of the members of the Committee, I believe, that all those contracts ought to be in writing; do you think that the machinery under the clerk of the peace's court could be made to register all those things?

Yes, it registers every quarter sessions several hundreds of civil bill ejectments and civil bill decrees, and there is never the slightest difficulty about that.

2648. One witness has said that there would be within the year 450,000 such cases; would there be any practical difficulty in registering such a number?

I think that the difficulty about those things would not be in registering them, but that the greater difficulty would be just as in the case of a great heap of books to make a good catalogue of them, but with regard to each townland in the county and each barony, with proper means and appliances I think a clerk at 50*l.* a year would do it all with the greatest ease under the supervision of the clerk of the peace.

2649. Would you allow the first registry to be made by the clerk of petty sessions to be afterwards transmitted to the clerk of the peace?

No; I think that it would be a most objectionable system to allow them to have anything to do with it.

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2650. But that would entail upon persons in some parts of the county, with contracts of small value, the necessity of travelling a very long way, would it not?

There is not a county in Ireland where a farmer does not go half-a-dozen times in the year to the county town.

2651. But I understand that you would extend this registry of contracts to far below the farmer who attends the county town; the county town is often 40 miles off from persons' residence, and they are often as much as 10 or 12 miles from the quarter sessions' court, which is a long distance for a man to go and register every single contract?

They would go in the same way as they go to register a process at a distance, or to buy some article of furniture, or some apparel there; a countryman thinks nothing at all of such a distance, and I suppose either party would be at liberty to register the contract, either the landlord or the tenant.

2652. If you made it compulsory on either, if not on both, I apprehend that in some parts of the county of Clare, they would have to go a long distance to the county court?

I do not know of any quarter sessions' court in Clare, which is more than 12 or 14 miles from the most distant part of the county.

2653. Lord *Meredyth.*] Are you acquainted with the present state of the law as regards labourers' dwellings?

I think so.

2654. In market towns there is a summary power of recovery for small tenements before the justices, is there not?

Yes.

2655. Would you extend that generally?

I would. It is absolutely necessary that it should be extended, and the want of it leads to a great deal of annoyance in the relation between farmers and their farm labourers.

2656. If it were extended, that lamentable state of things, which you described just now, for instance, as to the harsh exercise of the right of distress would be avoided, would it not?

Yes.

2657. Do you not think that the extension of such a power as that would really tell in favour of the poorer man?

It always does. It is just like the improvement in the general state of the law for the last 50 years. There can be no doubt that the relaxation of our criminal code has extended great benefits towards all classes of the community, even the most criminal.

2658. Would you make lodgers, for instance, in a large city like Dublin sign agreements?

Unless you are contemplating an Irish Reform Bill, I do not really see the reason of it. It might be a very useful thing if you were contemplating an Irish Reform Bill, and wanted a certain mode of ascertaining whether people were lodgers or not; but I do think that *bonâ fide* lodgers come and go very quickly.

2659. Would you accompany the extended jurisdiction of the magistrates, as regards the recovery in those smaller tenements, with any sanitary regulations; for instance, supposing a relieving officer were to say that a house was absolutely unfit for human habitation, would you bar the power of recovery in such a case as that?

I not only would do so, but I would enable the relieving officer and the Board of Guardians to improve the premises, if necessary, at the expense of the farmer or owner. Though we may have been speaking all day of the other branch of the case, there is no branch requiring the intervention of Parliament more than anything which would improve the condition of the dwellings and the general position of the labouring classes of Ireland. and especially of agricultural labourers.

2660. Do you not really think that they are the class of all others who most require our care and attention?

I think

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I think they are; they are a class who are greatly neglected, and in many cases they are not so well treated as they ought to be by their employers. I have myself, acting for Lord Annaly, addressed myself for years to the amelioration of their condition to make them independent, so that each man should have a small house and a small bit of land, so that he might sell his labour to whomsoever would pay him best for it, and so as to abolish that awful system of working half the year for so much, and the rest of the year doing nothing, and merely being, as it were, *adscripti glebæ*.

2661. Under whom do they generally hold, under the occupier or the owner?

Of course, if the owner is resident, and has large farms, he has farm labourers, but they generally hold under the occupier of the estate.

2662. As far as your experience goes, are not their habitations, generally speaking, very wretched?

They are the disgrace of Ireland at present, and have been so for years.

2663. Do they not pay, comparatively, a very high rent?

An excessively high rent in many cases. A very poor man cannot get a house, and say a quarter of an acre of land, under 2 *l.* a year, in a district of which I could tell you; that is 40 *s.*, and supposing that he is able to earn a shilling a day in the best days of the year, that is 40 days out of his whole time, and I consider that not only are they charged very high, but the squalor and filth in which they live, and the other drawbacks to their condition, are among the greatest blots upon our agricultural life and prosperity.

2664. Do you not think that if we could better the condition of the labouring classes, improve their dwellings, and make their homes more comfortable, we should thereby give a check to emigration?

An immense one. One of the first things which I did for my Lord Annaly was on some town lands where there were four or five wretched labourers; they were always quarrelling with the occupiers of the land, and I said that this must cease. As I told your Lordships, I have a rule which I have been fortunate enough to be able to carry out; I have never evicted even one of those labourers; I have built for them four nice cottages on part of a neighbouring waste town land; I gave them each half an acre of land, and they pay each 10 *s.* a year. They have since improved the land, and there are not on the whole estate four better or decenter workmen, and they are a great advantage to the estate; they are thoroughly independent, and their condition is much better now than it would have been had they remained as they were.

2665. *Chairman.*] That state of things, as regards the condition of the labourer, is, in your opinion, as I gather, chiefly attributable to their employers, who are the farmers and small capitalists, and persons who occupy from the landlord; am I right in that view?

Yes, I think that, generally speaking, it is the employers. Of course the class of farmers cannot be expected to like to see wages raised, or the condition in life of those who serve them raised; that would imply a rise in the rate of wages. If you improve a man's condition, he will not work for 6 *d.* or 9 *d.* a day.

2666. But have you not heard the hovels in which some of those farmers' servants, and the persons employed by town's people, dwell, and the miserable state in which they unfortunately very often live, put down in many speeches and writings entirely to the score of the landlord?

I think that I have, but I never agreed with that; I thought that it was either ignorance or delusion; I think, on the contrary, that in most cases the labourers who are under landlords and large employers are far better off than those who are under small people; but I do believe that if your Lordships, or the other House of Parliament, could address yourselves to the condition of the farm labourers of Ireland as well as to that of the farmers, you would entitle yourselves to the highest thanks from every real lover of the country. I have always deplored my own inability to be of use to the extent to which I could have wished.

2667. You have, perhaps, seen narratives of tours published in the papers, or in pamphlets, or in periodical works, in which frequently the condition of the

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labourer on an estate is attributed to the owner of that estate; when, in point of fact, the owner of that estate has no means to prevent it?

I am quite aware of that; and I am quite aware that in many cases where the tenants have leases the farm labourers are generally the worst off.

2668. Lord *Dunsany.*] You have given a great deal of very valuable evidence; but summing it up, assuming that this Bill (which there is some probability of the two Houses of Parliament accepting) were passed, is it your opinion that it would remedy most of the evils of which Ireland now complains?

I have gone through the Bill, but not in such a way as to enable me to give an opinion which would satisfy myself; but I have looked at several important points in it, and I think I may say that it would be what is popularly called a step in the right direction.

2669. It is a step in the right direction, inasmuch as it is practicable, whereas a great many of the measures proposed are such as I presume you would never expect to see Parliament, constituted as it now is, consent to?

I have always been what is popularly known as being in favour of tenant-right, or at least for a great many years; for the last 25 years I have been so, and certainly since I was able to understand the subject; but I always laughed at the idea which was so common years ago, about perpetuity of tenure and compulsory valuation. Those, I thought, were dreams which no sensible or practical man would entertain.

2670. Are you not of opinion that the agitation for what you have just poken of as illusory and impracticable, stands in the way of other practical legislation?

It always does; if they had not been so impracticable in 1852, I have no doubt at all that a Bill might have been then passed; but one party was calling out for compulsory valuation and perpetuity of tenure, and then, of course, nothing was done.

2671. Is it not, in your opinion, a fallacious argument that compulsory valuation and perpetuity of tenure are perfectly justified, because the commodity of land is limited in amount, inasmuch as capital itself is limited, labour is limited, and every commodity which enters into production is limited in amount?

I do not think that anything justifies a broad and unreasonable proposition such as that to which your Lordship refers. I do not think that the fact of the land being limited justifies any such proposition. The only proposition which I think ought to be entertained about land is, that Ireland is to a great extent an exceptional case. I think that the country requires some exceptional treatment, but it is only in a wise and prudent way. I really believe that anything which I have advanced to-day to your Lordships, or which I have myself done, has been more to the benefit of my noble employer than if I had adopted any other course, and I think that he has the best proof of that.

2672. You are aware that it is an argument in favour of those impracticable schemes, that there are a great number of farmers in proportion to the farms, and that it is the duty of the Legislature to provide for them in some way at the expense of the landlords; can you base anything on the fact of the number of farmers as compared with the number of farms?

I have not heard such an argument used, and I do not concur in it.

The Witness is directed to withdraw.

Ordered,—That this Committee be Adjourned to Tuesday next, at One o'clock.

Die Veneris, 26° Julii, 1867.

PRESENT:

Duke of DEVONSHIRE.	Viscount DE VESCI.
Earl of DEVON.	Lord DUNSANY.
Earl of CLARENDON.	Lord SOMERHILL.
Earl of LUCAN.	Lord CHURSTON.
Earl of ROSSE.	Lord MEREDYTH.
Earl of KIMBERLEY.	

THE RIGHT HONOURABLE THE LORD SOMERHILL, IN THE CHAIR.

JOHN FRANCIS MAGUIRE, Esq., a Member of the House of Commons, is called in; and Examined, as follows:

J. F. Maguire, Esq., M.P.

26th July 1867.

2673. *Chairman.*] I BELIEVE that although you have not yourself had occasion to take any part in the management of land, or in agricultural occupations, you have studied what is commonly called the land question a good deal, with regard to Ireland, and have devoted your attention to it?

It has been very constantly brought before my consideration, both as a journalist and as a Member of Parliament; but before I give any answer to your Lordship's question, allow me in the first place to apologize for not having attended here earlier; but the fact is, I am seriously engaged at the present moment in a literary work; so that I have had no opportunity of looking at the Bill, or of attending your Lordships' Committee; but I have had the honour of receiving a communication from your Lordship, the consequence of which was, that I was able to suggest the obtainment of the evidence which you have received from Mr. Mackay, a tenant farmer from the county of Cork, from Mr. John George McCarthy, a very accomplished and experienced gentleman, and from one who is still more practically experienced, viz.: Mr. William Lane Joynt, the manager of Lord Annaly's estates.

2674. Do you consider the present state of the law in Ireland, with regard to the tenure of land and the general agricultural state of the country, to be in a satisfactory condition?

I consider it to be most unsatisfactory, and, so far as I can form an opinion, it is the source of the greatest possible discontent, and, I would say, danger.

2675. In the first place, do you consider it unsatisfactory as regards matters in litigation, and disputes which arise from any obscurity of the law, and from the difficulty of obtaining redress in case of injury?

Yes; for instance, from the want of written contracts, cases frequently arise of tenants asserting that such an agreement has been made with them, and the agent of the landlord denying the statement made by the tenant, and the result of that is of course great uncertainty and heartburning.

2676. Have you also observed that sometimes a landlord makes a complaint that a tenant has not executed a certain stipulation of the covenant between them?

Certainly.

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2677. As regards both sides, then, the law is not, in your opinion, in a satisfactory condition?
Certainly not.

2678. Have you read the Bill which is before this Committee?
I have not had the opportunity of reading it; but I understand that the general principle of the Bill is to encourage written contracts. I understand no more than that.

2679. And that much you approve of?
Certainly. I asked some time ago to see the Bill, and to have the preamble read for me; and I may say that I think that there should be an amendment to that preamble, to the effect that one of your Lordships' objects was to encourage the granting of leases. I consider that the addition would be a kind of proclamation of the opinion of your Lordships' House, and that so far it would be an immense advantage in the country.

2680. Then you are in favour of leases generally?
Undoubtedly.

2681. Do you consider that to be the best mode of compensating a tenant for his good treatment of land, and for the improvements which he may make?
I do indeed; I think it is about the nearest solution of the difficulty. At the same time, if a limited lease were given to a tenant, I would add compensation to it, according to the ascertained value of the then existing improvements, if they were of a permanent character. My idea is that a lease of 31 years, which is about the popular lease in Ireland, would be the best for encouraging agricultural improvements, and the best to induce the tenant to improve the land, and to expend whatever capital he may have upon the land; and I know that there is much more capital in the country than people generally imagine. But that 31 years' lease, in my opinion, would not cover all legitimate claim for compensation. If a man built a house, at the termination of the 31 years I would give him a claim for compensation for its then value; and I would do it as much for this reason as for any other, that it would induce a man to improve his land. If a man builds a house, you may be certain that he also improves his land at the same time. Besides this, the agricultural improvement may be exhausted within a limited period; but supposing a man had a lease for 31 years, he might not have commenced to build at once; he might be satisfied with his poor cottage or cabin up to a certain period; and then, when he finds that through the operation of his own industry and energy, he is gradually enriching himself, he is more inclined to make a comfortable appearance, and to assume a higher social status; and he then builds a house, it may be with only fifteen or twenty years to occupy the land, and it would be hard in such a case to take that farm from him without giving him compensation for his outlay.

2682. How far would you think it desirable that the tenant should communicate with the landlord, previous to his commencing any improvement of the kind which you name, say, in the third quarter, or in the last part of a lease of 31 years, or of a lease of 21 years, which period has been suggested to the Committee by some of the witnesses who have been examined?
I would hold out an inducement to the tenant to build a house as soon as he possibly could.

2683. How far ought the tenant to communicate with his landlord or with the agent that he was undertaking an improvement for which he thought the term of his lease would not be sufficient compensation?
I think that he ought to make a communication to his landlord, and that it would be much better that he should do so, because perhaps he may get assistance from the landlord; but I think that there should be no restriction whatever as to any other improvements, whether he held by lease or otherwise, and that there should be no impediment or embarrassment thrown in the way of an improving tenant, such as requiring from him compliance with forms which, from his education and position, would rather cause him bewilderment than otherwise.

2684. Earl of *Clarendon.*] To what sort of forms do you refer?
I am only speaking from memory; but I know that the Act of Mr. Cardwell, of 1860,

1860, failed to a certain extent, because it was surrounded by this palpable impediment, in the shape of complicated forms. Certain things were demanded of the tenant with which, from his education or his position, or perhaps from his suspicious habits, he either could not, or would not, comply. But, at any rate, the Act to this present hour is a dead letter, and the failure of that Act, was in a great degree attributed to what I would term the cumbrous and intricate nature of its machinery.

2685. *Chairman.*] Then, how would you value the improvements and the compensation (if it were to be a money compensation) that it would be fair for a tenant to receive, if he did not give some notice whereby the landlord would be able to judge of or to check the demand which was made upon him?

I think that is susceptible of proof, like hundreds of other cases which are constantly brought before judges and juries. You can have impartial testimony; you can have the testimony of the neighbours as to the previous condition of the land; and you may have a record made of the improvement. I do not bind myself to the particular mode in which it might be done; but all these matters, I think, are clearly susceptible of proof.

2686. There is a proposition in the Bill, that there should be a record of the nature of which you speak, which should apply in cases where the improvements were above the value of 10*l.*; do you think that it would be a good plan to have a record of that kind of improvement made out?

I think that if facilities were given for the record, it would be a very good thing; it would facilitate and assist the claim for compensation in cases where there was no lease; but of larger operations, requiring considerable outlay, there is always a record from the very nature of things. The tenant knows at what time the work was done; some person did the work for him, and it is, I think, quite susceptible of proof.

2687. Earl of *Clarendon.*] But a record would be the more simple way of doing it, would it not?

It would; but I do not see that there is an insuperable difficulty, even without the public record through an official channel. There is always a mode of proving that a certain thing has been done.

2688. Do you not think that if a landlord were, to his surprise, called upon at the termination of a lease to give compensation for an improvement of which he had had no previous notice, and of which he had not been really aware, that would give rise to a good deal of dispute and litigation, if there was nothing but affidavits and swearing, and collateral evidence to support it?

I think that it would be far better to have the record, certainly; but I believe that if a good long lease were given, with a claim for compensation for serious and heavy outlay, that would go a great way towards settling the question. Of course I do not presume to speak on these matters from my practical knowledge, not being either a landlord or a tenant, though I believe that I am tenant to one of your Lordships for some acres of land, upon which I have built a house, which of course I would not have done without a lease; but I can speak of the general feeling in the country, and the general feeling is, that some kind of security for outlay in improvements would be of immense service to the country; and as a proof of the value of security, I may say that it has been stated to me by those who have an intimate knowledge of the emigration which has been going on for the last 10 or 20 years, the greatest portion of that emigration passing through the harbour of Cork, that they rarely knew of an instance where a man having a lease has emigrated. Scarcely has there been such a case known, unless the lease was near its expiry, and the tenant despaired of a renewal of it, he having no claim of any kind upon the landlord.

2689. Viscount *De Vesci.*] With regard to the compensation at the end of the lease, do you only apply that to a 31 years' lease, or would you give compensation for a longer lease, of, say 60, 70, or 90 years?

Honestly speaking, I do not think there would be any claim for it in such a case.

2690. Your evidence only applies to a period not exceeding 31 years?

I was in favour of the proposal made by the late Government to a certain extent, hoping that it would be improved in Committee. I was in favour of a

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lease of 31 years, which would be a bar to any claim for compensation for mere agricultural improvements; but most certainly not for the improvements or reclamation of bog or mountain land, or for buildings, which would demand longer periods, or compensation at the end of the 31 years. I think that something like that would be a very near approach to a settlement of the question.

2691. Earl of *Clarendon*.] You are probably aware that in Scotland, where they generally give leases for 19 years, there is no claim ever made for compensation; why do you think that with a lease, which is 12 years longer in Ireland, there ought to be some right to compensation admitted?

First of all, as to the lease, the idea of a 21 years' lease in Ireland would be something repugnant to the feelings of the people, so far as I can see. I have heard the statement that a 21 years' lease was a very good lease, and that it ought to do in Ireland as well as it does in England or in Scotland, received with a general groan of indignation. The leases in Ireland, as I understand, are generally for 31 years and three lives; but as to Scotland, I do not think that there is any parity whatever, or any analogy, between the two cases. There are constant shiftings and changes of tenants in Scotland, but owing to the condition of the country, its admirable homesteads, and the manner in which the land is cultivated, a man is at once in a condition to cultivate his land with but little outlay, except for the year's operations; but it is a different thing in Ireland. Some landlords, it is true, build good houses for their tenants, and are very anxious to see them comfortable, but that does not apply to the great body of landlords in Ireland, who may not be in a position to do so, and therefore the state of things is quite different in the two countries, and especially so as between England and Ireland. The law may be the same, but the circumstances of the people are totally and entirely different, not only as regards the relations between landlord and tenant; that is to say, the position in which a tenant comes into a farm in England, and the position in which a tenant comes into a farm in Ireland, but also as regards the state of the two countries; the two cases are totally and entirely opposite, and you must deal with Ireland from an exceptional point of view. There is no analogy between the two countries, and I would earnestly endeavour to impress that fact upon your Lordships as a leading point for your consideration.

2692. Lord *Meredyth*.] Is it not the real truth that in Ireland the tenant prefers security of tenure even to compensation for improvements?

I think he would; but he should have a sufficiently long lease to cover the outlay. A small outlay may cover agricultural improvements, but, undoubtedly, the same lease would not cover a more substantial and durable improvement.

2693. But his great object is security of tenure, is it not?

His great objection is this: that if he expends his capital, or his labour, which is just the same (for I have come from a country where labour is even more valuable than money), in the land, he may be certain that no man will take advantage of it, and that he will not be turned out a beggar afterwards; and this is why the tenant-right of the north of Ireland, though it may have its disadvantages, has immense advantages.

2694. *Chairman*.] Would you prefer the tenant-right of the north of Ireland, which, you say, has its advantages, to a 31 years' lease, for general introduction into the part of the country with which you are most conversant, and where that right does not, I apprehend, prevail?

I could scarcely venture to commit myself to an answer of that kind; I would rather wish to have, in the south of Ireland, what is absolutely necessary, owing to the tendency of the people to leave the country, and owing to the state in which the country is, and owing also to the larger interests, which I am perfectly assured are involved. Perhaps I may be allowed to say, in order to place myself beyond all misconception on the part of those noble Lords who may not know me so well as I have the honour to be known by others, that I have myself taken a distinct and deliberate stand against the late revolutionary movement; I have done my best, so far as I could, to stem the tide of that revolutionary movement, and it is because I desire to see peace between these two countries and ultimate security to this empire, that I most solemnly, as if it were with my dying breath, would urge upon your Lordships your serious attention

tion to the interests involved in this gravest of imaginable questions. I am quite ready to be examined upon that, and will freely give my opinions, if any of your Lordships think it necessary to question me upon the subject.

2695. I apprehend that you think a lease beyond 31 years would involve a question of contingencies, to which all human events are subject, to too great a degree to make it advisable to grant a 31 years' lease, because in 31 years, probably, the original tenant and the landlord would both have passed away; would it not be better that there should be a re-settlement at that time, than to grant such long leases as have been suggested by some persons?

I have heard very moderate men speak against a 31 years' lease to this extent: a man, say 25 years old, gets a lease for 31 years, or, if you prefer it, he is 23 or 24 years old; when that lease expires his family are grown up about him, and if he has no renewal of that lease his position is a very sad one indeed; he is arriving at old age, and though his children might very well succeed him, he has no means of providing for them, and his own position is very bad. A longer lease would, in my opinion, be far better.

2696. It would be better, no doubt, for him; but practically it is seldom that so young a man as that gets a lease of that kind?

Supposing he was 26 or 27 years of age, then he is not 60 years of age when the lease expires, and he is strong and vigorous enough yet to work his farm, but he cannot look to the future without great apprehension, because he has no provision for his family. I myself would prefer a longer lease, but I am only talking of what, I think, would be a compromise. I know very well the difficulty of effecting a thorough settlement of this question, and I am ready from time to time to accept an instalment rather than take nothing.

2697. In such cases would you approve of the conditions which have been frequently inserted, and which have been rather advocated by previous witnesses, such as those prohibiting subdivision and sub-letting?

Certainly.

2698. Or assigning without the consent of the landlord?

I think the landlord may protect himself very fairly. I would like to see him protected as well as to see the interests of the tenant protected, and I think the more you protect both fairly, the more you establish a good feeling between them, because they feel that, in point of justice and fairness, they are on an equality, which they are not on in point of social position.

2699. In those cases of leases, has it come under your notice at all that there very often is great difficulty in the succession to a small farm, unless the landlord has some power to interfere; and that a widow, and the greatest number of the children, where there are a certain number of them, are liable to be treated with harshness according to the law of the country?

I would not venture to express an opinion as to that of which I have no practical knowledge; but I may say that my opinion is, that emigration is not likely to cease. Every new State or territory which is opened up in America will bring out Irish to occupy the lands; and they certainly will bring out their relatives, so that any fear which might have arisen from what was at one time considered over-population, may be banished as a dream from henceforth; and particularly in speaking of the future (because I suppose the Act would have only prospective operation), it is clear the population must become less year after year.

2700. Earl of *Devon.*] I understand, then, that you would hardly consider your practical experience would enable you to say what length of lease would in each particular case of improvement be desirable?

I say that 31 years is the smallest term for which I would wish to see a lease; but I do not think it would be sufficient to draw forth the energy of the tenant in the manner that I would wish to see it applied.

2701. Do you consider, therefore, that where improvements are effected by tenant, and compensation is not made at the proper time to him in money, that compensation ought to be made in the shape of prolonged tenure?

Yes.

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2702. The length of that tenure, you probably would consider, should vary according to the nature and extent of the improvement effected ?

Yes.

2703. Should I be correct in saying that the principle upon which you would consider that we ought to proceed would be, that in the event of the tenant not having any money payments given to him, he should occupy his premises for such a period as would replace his capital, with a fair amount of interest thereon?

I think so ; I think it would be well for the landlord and for the tenant that at the termination of, say, a 31 years' lease, there should be a new arrangement between them (though perhaps my idea might be a crude one)—that there might be a fair valuation, and that while the landlord would get that which was fair, the tenant should have a sufficiently prolonged term.

2703. Where improvement of a permanent character is done by the tenant himself, probably you would think it fair that he should get back not only his capital, but the interest on that capital ?

Certainly ; but, above all things, he ought to have secure occupation, and I think the longer the lease the greater the advantage for the landlord ; I cannot see how anyone should be supposed to take property from a landlord because he wished to secure the tenant.

2705. Assuming that the basis for calculating the length of the tenure should be the principle that the tenant's capital should be replaced with fair interest upon it, you would probably think it also right to set against that the benefit which the tenant derived during his occupation from the improvements which he himself had effected ; you would debit him, so to speak, with it ?

Yes, for the improvements which the tenant had made.

2706. Without going into detail as to the length of time required in each particular case, which is a practical matter, and a matter of calculation, you would consider that the principle to which I advert would be a fair basis upon which that calculation should proceed?

It seems to be something like that.

2707. Should you consider that, in respect to all improvements of a permanent character for which the tenant is to have a claim for compensation, the previous assent of the landlord should be required ?

I certainly do not think so for agricultural improvements ; I would not throw any embarrassment at all in the way of tenants' improvements ; but as regards so important a measure as building a house, or an extensive shed for cattle, or surrounding a place with a stone wall, or doing heavy work, I should imagine the very first thing the tenant would do would be to have a communication with the agent upon it.

2708. Probably if that were not done in a case where a landlord might, perhaps, look forward to laying two farms together, he might find himself saddled, if buildings were erected without his consent, with more buildings upon that consolidated farm than he wanted ?

Yes.

2709. And I suppose, upon that ground it would be that you would say that, with reference to such improvements, the landlord's consent should be required ?

I think, as a matter of fact, there would be that communication made by the tenant; but there is a kind of suggestion in your Lordship's question, amounting to an apprehension that a tenant would build on a small farm a farmhouse which was unsuitable to that holding. Well, supposing he does so, and makes a demand for compensation afterwards, he would really get compensation only so far as it increased the letting value of that farm, so that I cannot conceive that any particular evil would arise from it ; the man would do it at his own risk.

2710. That would depend, I suppose, upon whether or not the buildings were proportioned to the extent of the farm ?

Certainly.

2711. Take a couple of adjoining farms of 15 acres each, the tenant of one of those farms goes to America, and the landlord has, therefore, with the free assent of

of that outgoing tenant, the opportunity of adding one of those farms of 15 acres to the other; that process would be very much impeded if there were two sets of buildings, one for each of those farms, would it not?

That may be so.

2712. That would be rather an injury than otherwise, would it not?

But the man would build at his own risk, and would not have compensation beyond the actual value of the buildings to that small farm.

2713. But would not that be a case in which it would be of no advantage to the landlord to have a dwelling-house and a set of buildings upon each of those two farms?

Yes; but you are not to assume that on all farms there would be that consolidation, and that either one tenant should go, or that the two farms should be merged into one.

2714. Viscount *De Vesci.*] Supposing the case of a lease for 31 years, where the tenant has two sons and divides the farm between those two sons, and builds a separate house on a portion of the farm; do you think that it would be just to make the landlord give compensation for the second house, which is no advantage to the cultivation of the farm?

I would rather answer your Lordship's question by asking another: Has not the landlord the power of protecting himself by covenant in the lease against that sub-letting?

2715. This is not sub-letting, but dividing the farm between two sons?

I think he may protect himself. Where a farm is too small, I think that certain stipulations may be made which would bind the tenant quite as much as the landlord.

2716. Then would you be in favour of putting stipulations of that kind in a lease?

I would rather reply to your Lordship's apprehension than express any opinion of my own; but I am not against whatever is fair.

2717. Then would you be in favour of putting stipulations in leases against dividing farms, as well as against subletting them?

If a farm is small, I do not think that it is for the benefit of the tenant or of the landlord that it should be divided.

2718. Take the case of a large grazing farm of 50 or 60 acres, a tenant divides that farm into two parts, 25 acres (which is an unsuitable size for a grazing farm), and builds a separate house upon one part; do you think that it would be fair in that case for the landlord to have to pay for the second house?

There might be difficulty in that case, no doubt, but that is different from the ordinary case.

2719. *Chairman.*] I think you stated, in the earlier part of your evidence, that you saw no objection to clauses against subdivision as well as subletting being inserted in leases.

There seems to be great apprehension about it, and I really think that it would be better to have the matter settled. I should not like to see the land cut up into too small parcels; that is, commencing from this date.

2720. I apprehend, as a fact, that over the majority of estates in Ireland there is no doubt at present that most of the small improvements, such as they are, are done by tenants as well as by landlords.

There is no doubt of it; I think that in the majority of cases the improvements are done by tenants.

2721. But you are probably aware that, where improvements have been done on a large scale, there has been a great deal done by landlords.

I know many such instances; but I know that the majority of the improvements have been done by the tenant.

2722. With respect to those improvements which have been spoken of, viz., improvements of farms, do you think it desirable, as a system, that they should be done by the landlords as they are in some other places, or by the tenants as they are in Ireland?

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I understand your Lordship perfectly well, and I have the strongest possible desire to see those improvements, if possible, done by the tenant rather than by the landlord. My reason is simply this: I want to attach the people to the soil. I know their impulse to go, and I should like to see them settled and rooted, as it were, in the country, and I want that above all things. The man who improves the land becomes attached to it, and of course he ought to be protected by a lease; if he is so protected, he makes a good citizen; but if he has no security, he is the very reverse—you paralyse his energies; whereas on the other hand, I do assert, from having seen the Irish people under the most extraordinary circumstances in the British colonies, and in America, that our people are as thrifty and as energetic, and as saving and industrious, as any other people, provided they have the proper protection. I have seen most extraordinary instances of it, which I could describe to your Lordships, in the British colonies. Perhaps it is scarcely an answer to the question which was asked me, but I may state that I was taken up 250 miles from St. John's, New Brunswick, to a settlement which was commenced in 1861, but into which only one man and woman had come up to 1863; I saw it in the autumn of 1866; there were 600 people then upon it. There were miles of land cleared by those people; there were strong log cabins; there were horses, cattle, poultry, and hogs. Some of the settlers had 40 acres of land cleared, and I have seen in that settlement 12 or 14 large frame houses; and I can state that, throughout the United States, I scarcely saw farm houses superior to them. That has all been done within a period of three years by our people; there was not a human being there but was Irish, and many of those people, to my knowledge, were evicted tenants from Ireland, or tenants who were driven out of the country by unfair treatment. The people told me their own story of themselves, and I saw them as they were. I stopped in the settlement a day and a night, and I saw one family actually passing from the log cabin (not a shanty, but a log cabin, which is the second stage) into a frame house, and that man and woman had not been well treated in Ireland. It was in your Lordship's county, the county of Galway, but not by your Lordship.

2723. Do you or do you not think it desirable that, in cases of what we may call substantial improvements, the landlord should join with the tenant, and that they should take a share; would you like that as well as the tenant's doing the whole?

It may be more convenient, but I would rather see the people do it themselves. If your Lordships will allow me, I will give you a single fact, to show you that there is more money in the country than you imagine. I do not say that the cottier has it, but I say that many a tenant who makes a poor mouth, and wears a bad coat (and not having security he is afraid to do anything else), has it. There was a run on the National and other banks in the city of Cork some time since; I was at home, and, as a journalist, I thought it my duty, for the purpose of lulling apprehension, as well as of protecting the property of those people, to do everything in my power to stop that run, and I am glad to say that I produced some effect; but I know, from my own knowledge, that in a common basket, under a bench, in the market of Cork, one man had 900 *l.* which had been taken out of one of those banks; and I know, also, that in another case, there was 1,100 *l.* under a counter, in the North Main Street of the city of Cork. The people grasped the money and thrust it any where. Of course they carried it to their homes, and of course they were advised by the clergyman, or by some magistrate, or by some friend, to put it back again, and they did so; I know that there was that money.

2724. Viscount *De Vesci*.] Belonging to one individual?

Belonging to one individual. And I may also state that I know, personally, that at the time two Savings' Banks were plundered, one in Tralee and another in Killarney, people almost in comparative rags came there to demand their 600 *l.*, 700 *l.*, and 800 *l.*

2725. *Chairman.*] With regard to those people of whom you have just spoken, as well as those in Cork, are a considerable number of them occupied in agricultural pursuits?

They were and are tenants in the occupation of land.

2726. They are not entirely persons engaged in trades?
No, not in trade, because in that case they would have their capital either in their business or in the banks. The tradesman who is employed in selling various articles in the country towns is generally very intelligent.

2727. Do you think that they were really tenants in the occupation of land in those cases which you have mentioned?
Yes.

2728. I apprehend that that money was made in their occupation of the land?
So it was; it was scraped together. Some of them half starved themselves to put it by, oftentimes in a stocking, or under the thatch, or under the bed; or they lend it out to some gentleman who is to say nothing of it. Oftentimes it is brought into the bank, the tenant looking round all the time to see that no one is present while he is depositing it with the official. But that all arises from the sense of insecurity which exists. If there were the protection of the lease, that money, in all human probability, would go into the land, but not otherwise. Let me give your Lordships a case in point, a case which I know produces the greatest possible evil in the district where it occurs. I will only say that it is in the county of Cork. I will not go farther, because it is not fair to mention names; but I know one English gentleman, with an income of something like 20,000 *l.* a year, who has a large property in the county of Cork, and who comes periodically to collect his rents. I know him to walk over his property, and if he find the land improved, up goes the rent. I do not give names, because it would be most unfair and unjust; but I pledge my word to the fact. It is a fact which I have had in evidence, and it was also stated deliberately by the gentleman's own bailiff. The feeling is that we want security.

2729. Earl of *Clarendon*.] Were there leases on that property?
Not one. Now, allow me to give your Lordships a case on the other side: I have, as I say, personally had nothing to do with the management of land; but I have been in daily communication with those who have. A friend of mine is a Crown prosecutor, and he is also an attorney and land agent; he has rich relatives, who purchased property under the Encumbered Estates Court in the western part of the county of Cork; that property was in a wretched state; there were no leases, and the rents were high, and the whole place was dilapidated and miserable. Now, these purchasers, the clients and relatives of this gentleman, came into the office, and said, "We have purchased this property; what would you advise us to do?" And he said, "Let the land at fair rents, and give good long leases." The people were called in, the leases were given to them, and, in less than 18 months, the gentleman assured me, there was a marvellous change on the whole face of the country where that property was. He gave 99 or 100 years' leases; I do not know which; but a lesser lease would certainly have stimulated their energies quite as well.

2730. Earl of *Devon*.] Is it within your knowledge whether or not tenant farmers have in any cases under the Encumbered Estates Act bought the fee-simple of their lands?
I have heard so, but I do not think that there are many instances of it. I think that the parcels of land are generally bought by small shopkeepers, or perhaps by attorneys, and in many instances by village usurers; and it was going from the frying-pan into the fire with the unfortunate tenant, for whatever advantage the Encumbered Estates Court has been in replacing insolvent by a solvent proprietary, as a rule, from the very nature of the case, and in order to enhance the value of the land and increase the purchase money, the tenants were handed over from the one proprietor to the other; that is to say, the landlord who had been connected with the tenants through his family, perhaps for generations, sold the property to a new man, who had no sympathy with them, and who only dealt with them as he would deal with the cattle on the land, or as he would deal with the land, as a means of getting so much per cent. on his investment.

2731. *Chairman*.] As regards the improvement of the land and of the country to a considerable extent, should you be in favour of small proprietors purchasing land?
I certainly think it would be an immense advantage that there should be small

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small proprietors holding 30, 40, or 50 acres of land; I think they would double, and perhaps in some instances they might treble, the producing power of the land.

2732. Lord *Meredyth.*] That process has been going on very rapidly under the Encumbered Estates Court, has it not?

I am afraid it has not gone on to any very hopeful extent.

2733. I do not refer to the tenant farmers; but is it not the case that the estates which are put up in the Encumbered Estates Court are frequently divided into such portions as are within the reach of men of very moderate capital?

Yes; but you are only multiplying small landlords, and very often making serfs of the tenants.

2734. *Chairman.*] Does not the history of the country of only a few generations back show that where there were small proprietors, although they might have been only leasehold proprietors, they very soon gave up the cultivation of the land when they found they could make more actual income by letting it to an inferior class of persons?

I do not think many dangers can be apprehended in future, because you will have so different a state of things in the country; and I do hope besides, that after a time, you will have more manufactures than you have at the present moment; but I think that a man who takes a small property of 50 or 100 acres of land, if he is a farmer, is certainly inclined to cultivate it, and live by it; and I believe it would be an immense advantage if there were a considerable number of small proprietors.

2735. Do you suppose that a number of men of that kind would encourage, say, upon 1,000 or 2,000 acres of land, improvements upon a considerable scale in the country, as well as two or three proprietors of a larger class; I mean such improvements, for instance, as the introduction of railways, or canals, or arterial drainage?

I would depend more upon the individual exertion of a number of persons than I would upon the action of any large proprietor. As for those attempts that have been made in Ireland, I think they are the most lamentable in the world; I refer to those attempts to improve a whole townland of people, or the whole side of the country—an experimentalist taking the whole thing into his own hands, and changing the whole of the tenantry at once into a different body of men—from tenants into day-labourers.

2736. I am afraid you misunderstood my question; I do not refer to the case of landlords turning out their tenants; on the contrary, I am rather supposing that you would, however you might deteriorate the condition of the estate generally, get immediately a larger income by letting it to a number of persons. My question was on the supposition that large farms were taken by those whom we should call small proprietors; and whether, supposing you had upon 2,000 acres 20 landlords of 100 *l.* a year each, those 20 landlords would be likely to do as much (I am not talking of tenants) for the general improvement of the country as, say, four landlords that had 500 *l.* a year each?

All I can say is, that I would rather see the 2,000 acres of land in the hands of one large liberal proprietor, giving fair leases to the tenants, and giving them perfect security, being satisfied to see them prosperous, than to see that land broken up into lots of 100 acres each, and bought by persons who desired to create a set of small tenants under them. That is my idea.

2737. Lord *Meredyth.*] Are you aware that in many parts of Ireland there is reluctance on the part of the tenants to accept leases, even when they are offered to them?

I have no doubt that such a thing exists, but too much of an argument is made of it; it is pushed too far. Now, there is a great tendency not to give leases in Ireland; that is well understood; and it frequently happens that a poor man will rather consider that he would offend his landlord if he asked for the lease. If the rent is too high, he does not wish to take a lease, because the burden is too defined and obligatory; but there are other instances in which there is great trust and confidence. I believe the most trusting and confiding people in the world are, as a rule, the Irish tenants, unless where suspicion is created by unfairness

or injustice. For many reasons leases are no doubt refused; but, taking those refusals, and even magnifying them, they are a mere exception when contrasted with the general desire of the people to obtain the fair security of the lease.

2738. Has nothing of the kind taken place in the county of Cork; have there been no refusals to accept leases there?

I am bound to say that I have heard very fair landlords and very fair agents say, "I wanted to give such a man a lease, but he refused"; perhaps the very expense might have deterred him; but I say that, admitting that such facts exist, you cannot put them by any means as against the great and general desire to have what is necessary, what is, in fact, a matter of instinct, and what no nobleman here would lay out 100 *l.* without possessing; that is, security.

2739. Lord *Meredyth.*] You have watched the progress of emigration very narrowly, have you not?

Certainly.

2740. Do you know of many instances of occupiers of land emigrating?

Of course the evicted tenants went.

2741. But do you know many instances of solvent tenants having emigrated?

They, generally speaking, cling to the land as long as they can.

2742. They do not surrender their land for the purpose of emigrating?

No; I think there is great desire on the part of the people to remain as long as possible; the young go, and the old people frequently follow them.

2743. What is the condition of the labouring classes in the county of Cork?

To a certain extent their condition is becoming better, because the wages are rising; but still, in many instances, they are wonderfully low, being sometimes not more than 1 *s.* a day.

2744. What is the condition of their habitations?

I do not think they are very much improved; but, with regard to wages, in a district immediately round a small town, or where there is a dock, or on the confines of a city, as a matter of course wages are higher, and I think they now range at something like 9 *s.* a week; but they are greatly influenced by the demand of the town, or the peculiar industry of the docks or factory in the neighbourhood.

2745. Earl of *Clarendon.*] Emigration has rather improved the condition of those who remain behind, has it not?

So far, that is so.

2746. Lord *Meredyth.*] In travelling through Ireland (which of course you do a great deal) you have become aware that, very generally speaking, I am afraid, the habitations of the labouring classes are very wretched.

No doubt such is the case.

2747. I am afraid you will scarcely see any country where they are more miserable?

I have seen some very miserable shanties.

2748. Is the emigration, to a large extent, from among the labouring classes?

A great deal is from among the agricultural class; and it is an unfortunate fact that, as yet, there is not sufficient information to guide them as to where they are to go; and many of them, to my knowledge, are ruined body and soul by going to the great American seaboard towns, instead of going to the open country, the very place where they ought to go, and where, in some three years, they could realise something very much approaching to independence.

2749. If anything could be done to improve the condition of labouring classes generally, as regards their habitations and otherwise, do you not think it would be a means of checking emigration?

I certainly think that if wages were improved, and their habitations were also improved, they would remain to a very large extent, for they still are fond of the old country; but the best indirect way of improving it, in my opinion, (I am not now speaking of special legislation for the labouring class) is to give security to the farmer, and by that means, to induce him to employ the people. In fact, he cannot improve the land unless he employs the people, and so far, of course, the more he improves the land, the greater is the demand for labour, and the higher the

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standard of wages will rise, and that would be of enormous service. It would supply something like life to the decaying towns which are scattered throughout the south, and west, and east of Ireland; and I can tell your Lordships that they are almost collapsing.

2750. Do the labouring classes generally hold under the farmers?

I do not know the exact relation between them; of course, the farm servants live in the house, and I believe they have increased in number of late. Then the farmer gives the out-door labourer a small piece of land and a cabin, and makes some arrangenent with him, such as perhaps manuring his potatoes, or something of that kind, in lieu of certain days of work.

2751. Could you make any guess as to what rent the labourer pays for that?

I would prefer not doing so; I would rather take the fact, that there is a general complaint of the miserable condition in which he still is, and that he is not treated with as much consideration by all classes as he might be.

2752. Earl of *Clarendon.*] Is that complaint on the part of the labourer himself?

I think that, generally speaking, there is a feeling that his condition is bad, and that it should be improved, especially so far as dwellings are concerned.

2753. Is it a matter of discontent with the labouring classes, that they have not better houses?

I suppose they might be educated to the appreciation of a better dwelling; but still, if you see them at their chapels and churches on Sunday, they are very decent and clean.

2754. Lord *Meredyth.*] They are very much improved in their dress?

Yes, very much.

2755. Earl of *Devon.*] Is it not also the case that the broad cloth coat has superseded the frieze in many cases?

Yes, but the broad cloth coat might be cheaper than the frieze.

2756. The frieze would be home manufactured, would it not?

Yes, that is the case in some parts which I have seen where they are near a country town. It may be shoddy, but it looks smooth, and it may be sold cheaper than even the home articles can be made, but they are improving in appearance, no doubt.

2757. Earl of *Lucan.*] Are you acquainted with the letting value of land in the South of Ireland.

That is a question to which I would prefer not replying, because I have not practical knowledge of it.

2758. Do you believe that the rents in the South of Ireland are excessive?

I think that, comparing the state of things in the two countries, the rent of land is high in Ireland. Now, I will give you an instance as to Irish rent, and a curious instance indeed it is also, of the wonderful faith of the tenants, and of their wonderful energy, which cannot be repressed. I do not wish to say where it is, but I can mention the name of the tenant in private. He had 100 acres of land, within four miles of a town in the county of Waterford. That man was paying three guineas an acre, and he had not, to use his own phrase, "the stroke of a pen." He had built upon that property with his own capital, a house, barns, and out-offices, and had surrounded them with a stone wall, and the cost to him was 900*l.* He and his wife were the most industrious people I ever saw, bustling and energetic, and yet, as I say, he had not the stroke of a pen for all this outlay. He had no lease.

2759. *Chairman.*] Do you mean that he had no security?

He had no security for his holding. If his landlord died, a stranger might come into possession of that property, and there was nothing to prevent that new proprietor from raising the rent even higher than that almost impossible price of three guineas.

2760. I suppose that it was a good dairy farm, was it?

It was an arable and grazing farm; it was a mixture.

2761. Earl of *Lucan.*] Perhaps he and his family had been a long time upon that land?

I do not know; but I know that those buildings were of recent creation, and I know that his landlord was a generous good man; but I know him also to be as passionate and as capricious a man as any in the world; and I know, positively (I tell you the simple fact, and I do not speak in a political sense at all), that had not that tenant had the consent of the landlord to vote for me, and had he voted for me without that consent, or in defiance of his landlord, he would not have six months occupation of his farm, I believe. Though I know that the landlord is a kind, generous, impulsive man, still he is a passionate man, and would have his way.

2762. *Chairman.*] Practically, of your own knowledge, do you know instances of agricultural tenants being turned out in consequence of their votes?

Undoubtedly I do; but these things have passed, and I do not want to speak of matters which have passed. I have had a great deal to do with elections. I have had six contests and a petition or two; and, therefore, I have had some little experience, and I may say I have never yet asked a man to vote against his landlord. I would not do it, knowing what it would or might entail upon him.

2763. Viscount *De Vesci.*] Is that eviction general?

I did not say that. The noble Chairman asked me if I had known such cases; undoubtedly I have known such cases directly attributable to that cause, and which followed in six or eight months after a contest, which excited a good deal of feeling on both sides. As I have said, you must not ask me to give the names of individuals; but I know that what disgusted me beyond all measure with anything like an appeal to a tenant to fly in the face of his landlord, as the phrase is, in Ireland, was this: I remember that at one election there was a great principle involved, and I, with others, made an appeal to certain tenants; they did vote, and they were under notice to quit six months afterwards. Some of them were removed, and they came to that committee afterwards to demand compensation, and I made a vow that from that day I would never ask a tenant to go against his landlord, and I never have done so. I have no hesitation in saying this: I was for 13 years Member for Dungarvan, and, as a rule, I did not go, and was advised not to go, to any tenant whose landlord did not think well to support me. From certain reasons, I had the support of landlords from both sides, from time to time, but that was owing to the peculiar position which I took, and that has nothing to do with the question; but whenever the landlord was against me, I dared not go to the tenants, or if I did, I did what might be conceived to be either improper or not gentlemanly.

2764. Viscount *De Vesci.*] You stated that the rents in the south of Ireland are generally high; are there any Scotch farmers who are taking land in the county of Cork?

I do not think there are many. I know that Scotchmen and Englishmen have come over from to time; but some who have tried it for a short time, have gone away.

2765. But is it not the case that the Scotch tenants pay higher rents than the Irish tenants?

I have not sufficient information upon that subject to be able to answer your Lordship's question.

2766. *Chairman.*] Why have they gone away in general?

They did not like the manner in which they were dealt with.

2767. By the landlords?

By the landlords. The Irish tenant is content with a great deal less than the English or Scotch tenant would be.

2768. They were not afraid of establishing themselves there, were they?

Not at all. The counties of Kerry and Cork are amongst the quietest counties, and we never hear of an outrage of any kind.

2769. But there might be ill-will towards a foreign settler?

There might be if certain tenants were removed violently, and the land taken from them and given to a stranger; but I never heard any feeling expressed against an Englishman or a Scotchman in the south of Ireland.

2770. Lord *Churston.*] Would you advise that the Bill should make written contracts compulsory?

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I think so. It would do no harm at all, and it may ultimately have the advantage of inducing the granting of leases; I would only say, in conclusion, that my most solemn and deep conviction is, that unless this question is settled deliberately (and by none could it be settled with greater facility, and with greater advantage, than by the House of Lords), I see, in the future, great trouble and ultimate danger. I think it is the interest of every man who wishes to preserve the empire in strength to conciliate the people of Ireland, and to destroy, as far as possible, the causes and motives of discontent, in the first place, and of insurrection in the second. So long as there is discontent in Ireland it will be acted upon by a large Irish element in America, which is spread everywhere, and which is active, vengeful, and fierce: they will watch for the first opportunity of getting the two nations into difficulties; that is their deliberate and determined policy. I ask your Lordships, not merely in the interest of the landlords of Ireland, because they are interested in having their rents well paid, but in the interests of Ireland, that her land may be improved, and its productive power increased; but I ask also in the interest of the empire at large, its peace and security, that you will try and pass such a law as will make the people conservatives, ready to defend their own holdings against the world. Give them a direct interest in the laws and institutions of the country, and if you do that I believe you will do one of the greatest acts of wisdom which the legislature ever attempted, or succeeded in effecting. That I solemnly believe.

2771. *Chairman.*] You prefer, as I understand, leases to the introduction of the northern system of tenant-right, and you do not think that that would be a satisfactory mode of dealing with the difficulty?

I pronounced no opinion upon the tenant-right of the north at all; though it may have its inconveniences, it may have its benefits. It has this great advantage, that a man cannot be turned out a beggar, and that the landlord is always secure of his rent. But there is no reason, or necessity, because a man has tenant-right in the north, that the tenancy should determine. A man may be kept on the land from one generation to another, but there is always protection for him; and I remember being struck with the evidence, I think of Mr. Hancock, before the Earl of Devon's Commission, who said, "Attempt to touch it, and not all the power at the disposal of the Horse Guards could maintain the peace of the country." We want something of the sort in the south of Ireland. The people of Ulster are peaceful and conservative; I mean conservative of law and order, and they would support the institutions of the country; but what inducement has a Tipperary peasant to be so or to do so, who may be turned out at any moment by a change of property in the Encumbered Estates Court?

2772. You are aware that tenant right, as it stands in the north of Ireland, is not secured by any writing; but would that, in your opinion, be necessarily infringed by a contract from year to year, because ought not such a contract, on the contrary, to give it more validity?

I would not pass an opinion about it. It is one of those things about which I, as a southern man, would not venture to excite northern jealousy. All I say is, that in any Bill which was ever introduced into the House of Commons, to my knowledge, there was a clause that "This Bill should in no way affect the question of tenant right in the north of Ireland;" but all we want is to give security in the south of Ireland.

2773. But that is not the security which you would like to see introduced in the county of Cork?

I certainly would prefer the legal security of a good long lease, and the certainty that, if a man had invested considerable capital in the improvement of his land, if the lease did not cover it, the compensation must cover it.

2774. Earl of *Clarendon.*] You said, in the beginning of your evidence, that you would suggest an amendment to the preamble—what is the nature of the amendment or addition which you would suggest?

I would add the words, "to facilitate and encourage the giving of leases." I think that that declaration would have an enormous effect. Without committing myself to say that the body of the Bill is a satisfactory settlement of the question, for, from what I have heard, I do not believe that it is; I still think that it would be a step in advance, and I believe that that declaration on the part of your Lordships would be a most valuable addition to its preamble.

2775. You

2775. You think it would direct attention to it?
I do.

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2776. Lord *Meredyth.*] Would you abolish or maintain the law of distress?
I myself am not qualified to give you a practical opinion upon that point, because, of course, I have had no personal dealings with land; but I have had the opinions of a great many persons, including landlords, agents, lawyers, and people of all classes, including Judge Longfield, for instance, who was examined before the Committee of the House of Commons, of which I was Chairman; and they were in favour of the abolition of the law of distress, inasmuch as the landlord may come in and destroy the tenant in a moment by taking his cattle and effects; and, besides, he may rob all the other creditors of the tenant; it is not fair; he ought to be left to his legal remedy.

2777. *Chairman.*] It has been stated that the abolition of the law of distress in some cases would injure small tenants; would you agree in that opinion?
Perhaps it might make the landlord more careful about the selection of the tenant, but I do not wish to enter upon that; I would rather take the general opinion that it is considered that it would be more advantageous to have it abolished than otherwise.

2778. On the whole, do you think that it would be more advantageous to small tenants as well as to large ones?
Yes; it has been frequently abused, and I have known men entirely destroyed by it.

2779. Earl of *Kimberley.*] Would it not have this effect, that the landlord would not be able to give so much indulgence to the tenant, not having that security?
That is to say, that he would not allow arrears of rent to accumulate.

2780. Would he allow any arrears to accumulate?
He should oftentimes, because in weather like this, for instance, a few days, or a few weeks might make a great deal of difference in the power of the tenant to pay his rent punctually.

2781. Would any prudent man let his land to a tenant without either having the rent in advance, or having security for the payment of the rent?
I think he would.

2782. *Chairman.*] Might it not affect him in this way; supposing the May rent to be due, would not the landlord be very much more inclined to press for that May rent, at a time at which it would be most inconvenient for a small farmer to pay him, instead of letting it stand over until the November or October rent was due, when he would have the security of the crop for the whole year?
Some people would do it, but I think that they would find it more to their advantage to wait until the man could pay it.

2783. Earl of *Kimberley.*] Why do you think that the landlord would be more ready to part with his land to the tenant, without security for payment of the rent, than any other person would be to part with his money on loan, without security for the interest upon it?
A great many shopkeepers in London, as well as in Cork, give their valuable property on credit.

2784. Would not the result of it be, obviously, that the landlord must charge more, in order to cover the risk which he would run?
Inasmuch as they do not very much use that power, I do not think that the loss of it would be very important. It is however a dangerous power, and may be easily abused, to the destruction of an honest tenant.

2785. Have you heard that the question is very much discussed in Scotland where it is known as the law of hypothec?
The question arose either this year or last year; but, save voting upon it, I am sorry to say that I did not give it much attention.

2786. You are, perhaps, aware that the larger occupiers are very much in

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favour of the law of hypothec, but that the smaller occupiers are very much against it?

I did not give it any attention, and I am not aware what the circumstances are.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday next, One o'clock.

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Conclusion as to rents being now in a very satisfactory condition, whilst the arrears are very small, 718–720——Inference as to the improved condition of the people, since the more punctual payment of rents, 718. 723–725——Great reduction of rents after the famine, whilst they have since been raised, and seem to be at a very fair rate, 718–720 ——Few ejectments found necessary of late years, in witness's experience, 719. 721, 722 ——Practice of witness in sanctioning allowances out of the rent for tenants' improvements, 725–727.

Consideration given by witness, when a lease has been renewed, to the prior claims of the existing tenant, if he has carried out improvements, 728, 729. 737——Inability of witness to make money compensation for a tenant's outlay, if he does not continue his holding, 730. 733. 735——Reluctance of tenants to accept Chancery leases for seven years, 731, 732. 750. 752–755——Restriction as to the duration of leases granted by witness's office, 732. 771, 772——Exceptional instances of tenants wishing to surrender their holdings, 734.

Evidence to the effect that an extension of tenancy, according to the different classes of improvements carried out, would be a sufficient remuneration or compensation, 735–746——Instances of tenants offering to make improvements provided the expense were shared by the landlords, 737. 741, 742.

Opinion that in order to secure the advantages of written contracts, a strong measure is necessary for their enforcement, 747–751——Several reasons for the strong approval by witness of written contracts, 749, 750——Advocacy of written contracts on moral grounds, 749. 797——Large proportion of tenants strongly attached to holding from year to year as compared with the number who prefer leases, 750–754——Suggestion that in twelve months after the date of the Act coming into operation there should be an end put to every tenancy from year to year, 750, 751.

Impression that there is not much distraining for rent, 756——Disapproval of very small holdings, though in all such cases witness approves of leases, 757–760——Doubt as to rents in the county of Cork being particularly high or higher than in other countries, 761, 762——Impression, as regards Sir Richard Griffith's valuation that one-third must be added to it in order to arrive at the letting value, 763–768.

Expediency of a tenant for life of any estate having power to give agricultural leases for twenty-one years, under certain restrictions; doubt as to a power in such cases to give thirty-one years' leases being desirable, 769. 773–776——Few instances of occupying tenants who hold under middlemen requiring protection in regard to the payment of their rent, 777–779——Further explanation of the means proposed for enforcing written contracts, 780–785.

Anticipation that much litigation and ill-feeling would be prevented by a simple and intelligent

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intelligent law upon the subject of landlord and tenant, 786–788——Suggestion that every lease, where the life dropped during the agricultural season, should extend to the 1st November after its termination, so as to give the tenant proper opportunity of securing his crop; confusion in this respect under the present imperfect law of emblements, 788–797——Large removal of distrust by the law being made more clear, and by written contracts, 797.

Importance of adequate provisions for the prevention of waste by tenants, 797, 798——Statement as to the difficulty now arising through there being no civil power available in the execution of process in Ireland; suggestion hereon for the appointment of officers of justice as permanent constables, 798–800——Obstacles to the adoption of the proposal on the Bill that leases for years should be considered real property, so as to descend to the eldest son; advantage of the principle of this suggestion, as tending to prevent the subdivision of land, 800.

BUILDINGS:

1. *Practice hitherto as to the Erection of Farm Buildings by Landlords and Tenants respectively.*
2. *Increase of Letting Value where proper Houses and Offices are provided.*
3. *Considerations as to the Compensation Period necessary in respect of Tenants' Outlay.*
4. *Question of Restriction as to the Character and Cost of New Buildings under a System of Compensation.*

1. *Practice hitherto as to the Erection of Farm Buildings by Landlords and Tenants respectively:*

Tendency formerly to the improvement of buildings by tenants under the system of tenant-right in the north; this has very much ceased since the recent agitation about tenant-right, *Trench* 42——Practice for many years past throughout Ireland generally that house improvements are made either by the landlord or by the landlord and tenant jointly, *ib.* 43, 44——Relative amount of expenditure by landlords in Ireland and in England upon buildings and repairs, *ib.* 316-323——There are doubtless many instances of good slated houses built by tenants-at-will, *ib.* 363.

Particulars of a case in which the rent of a tenant was largely raised after he had erected a house which was much required, *Curtin* 1195-1221. 1231–1233.

Details, showing the large expenditure by landlords, for whom witness acts, in the building of houses; refutation on this point of a certain statement by Mr. Caird, *Hamilton* 2206, 2207 —— Part taken by the small as well as the large proprietors in encouraging the erection of suitable farm houses, *ib.* 2207, 2208.

2. *Increase of Letting Value where proper Houses and Offices are provided:*

Estimate that complete farm buildings would enhance, by 5*s.* per acre, the rent of a farm let at 20*s.* per acre with insufficient buildings, *Trench* 227–238——Difficulty in estimating the difference in letting value between two farms, on account of the one being provided with all necessary buildings at a certain outlay and the other being unprovided, *MacCarthy* 1664–1674.

3. *Considerations as to the Compensation Period necessary in respect of Tenants' Outlay:*

Suggestions for thirty years' leases in the case of farm buildings erected by tenants, in order that they may be recouped for their outlay, *Trench* 218–220. 226——Approval of sixty years as the term of building leases in towns, *ib.* 221–225——Suggestion that the compensation period in respect of the erection of dwelling-houses by tenants might be fixed at twenty-five years, *ib.* 376–378——Estimate of twenty years as the period to be allowed for the combined erection of a dwelling-house and offices, *ib.* 383, 384——Consideration of objections to witness's proposal as to the amount of expenditure to be allowed, and as to the compensation period, in respect of substantial buildings erected by tenants on mountain ground, *ib.* 420–426.

Opinion that as regards agricultural buildings erected by tenants, a forty years' lease should bar all claims to compensation, *Kincaid* 1036–1039——Proposed extension of leases from fifty to 100 years, without any increase of rent, in the case of buildings erected by tenants, *Curtin* 1236–1239——Examination upon the question whether a tenant would not be sufficiently compensated in twenty-one years or so, by the increased value of his farm for any buildings erected by him, *ib.* 1240–1252.

Consideration of the question of the necessity of a sixty years' lease in order to compensate for the erection of substantial buildings; expediency in any case of such long term as an incentive to the carrying out of permanent improvements, *MacCarthy* 1929 *et seq.*

Almost equally good condition of a properly built slated house at the termination of

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3. *Considerations as to the Compensation Period, &c.*—continued.

a thirty-one years' lease as at the beginning, *Joynt* 2480——Long period for which houses built on Lord Annaly's estate have been maintained in excellent repair, *ib.*——Evidence in support of the conclusion that a tenant should be entitled to compensation in respect of buildings erected by him and in good condition at the end of a thirty-one years' lease, *ib.* 2481–2502——Objection to the landlord having any set-off in respect of the rent saved by the tenant in getting the land at a lower rate through the absence of proper buildings, *ib.* 2505–2507——Approval of thirty-one years' leases in cases where the landlords provide the building materials, *ib.* 2517——Entire inadequacy of twenty-one years' leases as an inducement to tenants to build and improve, *ib.* 2518.

4. *Question of Restriction as to the Character and Cost of New Buildings under a System of Compensation:*

Doubt as to control being necessary in the matter of farm buildings; the character of the buildings might however be specified in the lease, *Curtin* 1175–1179——Necessity of the landlord's consent before the erection of buildings, or the execution of permanent improvements by tenants, *MacCarthy* 1586——Contemplated forfeiture of the lease if covenants as to the erection of buildings were not fulfilled, *ib.* 1719–1725——Advantage of the tenant communicating with his landlord before the erection of buildings, *Maguire* 2682, 2683. 2707–2709——Means of preventing the erection by tenants of unnecessary buildings which should carry compensation, *ib.* 2707–2719.

See also *Compensation for Improvements.* *Leinster, Duke of.*

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Capital of Tenants. Opinion that there is ample capital and industry in the country for making the required improvements, if there were compensation, *Machay* 452——Doubt as to the agricultural classes having such large sums in the banks as has been represented, *ib.* 502, 503——Accumulation of money by farmers in witness's district, which money, if there were security of tenure, would be expended upon the land, *Roche* 1375–1381.

Great reluctance of farmers to expend their capital in improvements, on account of the precariousness of their tenure; instances in illustration, *MacCarthy* 1808–1814; *Joynt* 2511, 2512——Immense capital represented by the deposits of the farmers in the banks, the money having been made by farming in past years, *MacCarthy* 1808–1810——Good foundation for the fear of the tenants that their rents might be raised if it were known they were in possession of capital, *ib.* 1811, 1812.

Belief that there is a very large amount of money in the hands of the farmers of Ireland, and that the legal recognition of improvements is alone required in order that such money may be expended on the land, *Malcomson* 2304–2309——Object of witness's proposition to cause as much capital as possible to be expended upon the land, *ib.* 2443–2446——Opinion as to capital being possessed by small as well as large farmers though there is an objection to expend it on the land under the present law, *ib.* 2462, 2463.

Much more capital in possession of the farmers than is generally supposed, *Maguire* 2681——Instances in illustration of the large sums possessed by tenants, *ib.* 2723–2728.

See also *Purchases by Farmers.* *Tenant-Right.*

Chancery Estates. Practice of witness, as Master in Chancery, in sanctioning allowances out of the rent for tenants' improvement, *Brooke* 725–727——Consideration given by witness, when a lease is being removed to the prior claims of the existing tenant, if he has carried out improvements, *ib.* 728, 729. 737——Inability of witness to make money compensation for a tenant's outlay if he does not continue his holding, *ib.* 730. 733–735——Reluctance of tenants to accept Chancery leases for seven years, *ib.* 731, 732. 750. 752–755——Restriction as to the duration of leases granted by witness's office, *ib.* 732. 771, 772.

Change of Tenantry. Less change of tenantry in the north of Ireland than where tenant-right does not exist, *Russell* 889–891——Absence of any more frequent change of tenants in Ireland than in England, *Hamilton* 2292, 2293.

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COMPENSATION FOR IMPROVEMENTS:

1. *Generally as to the Evils of the present System, and as to the Expediency of a System of Compensation.*
2. *Suggestions for Compensation in the Shape of Leases.*
3. *Suggestions for Money Compensation, under certain Conditions.*
4. *Approval of the Bill of Lord Naas.*
5. *Checks proposed in regard to the Character and Valuation of Improvements entitling to Compensation.*
6. *Question of Tenants being allowed to improve without the Consent of the Landlord, and subsequently to claim Compensation*
7. *Question of Compensation for existing Improvements.*

1. *Generally as to the Evils of the present System, and as to the Expediency of a System of Compensation:*

Neglect of improvements unless compensation be provided, *Mackay* 515, 516——Primary evil of the present law, that the occupier has no security that he will enjoy the results of his labours, or be recouped for his outlay of capital, *MacCarthy* 1576, 1577——Reference to Ireland as the only civilised country in which the onus of improvement is thrown upon the tenant, or the value of property he creates in the soil is liable to confiscation, *ib.* 1817. 1883——Approval of the facilities in the Bill with reference to compensation agreements as a step in the right direction, *ib.* 1824. 1829——Probable refusal, however, of landlords to enter into compensation agreements, whilst tenants would be afraid to have it known that they had capital available, *ib.* 1827–1833——National injustice involved in throwing the onus of improvements on the tenant, whilst the moment he effects improvements they become the property of another, *ib.* 1883.

Great importance of satisfactory compensation agreements if some form could be provided which would not lead to future litigation, *Hamilton* 2117——Expediency of compensation for improvements being embodied in an Act of Parliament, *Joynt* 2472——Justification of the proposed system of compensation claims against landlords, on account of the exceptional circumstances of Ireland, *ib.* 2625. 2671——Instance of large expenditure by a tenant-at-will, though paying a very high rent for his farm; liability of this man to be evicted at any moment, without the slightest compensation, *Maguire* 2758–2761.

2. *Suggestions for Compensation in the Shape of Leases:*

Evidence relative to the period to be allowed for compensation for various improvements, repairs, &c., undertaken by the tenants, *Trench* 376–395——Examination with reference to the shorter periods proposed by witness for the repayment of tenants for improvements, as compared with the much longer periods allowed to landlords for the repayment of loans from the Board of Works, *ib.* 396–405——Probability of the terms proposed by witness not being much acted upon in the present state of the country, though eventually the tenants may avail themselves of the proposed measure, *ib.* 430–436.

Importance of an Act by which tenants should be compensated by extended tenure for any increased value they might create in the land, *Mackay* 450–452——Evidence to the effect that an extension of tenancy, according to the different classes of improvements carried out, would be a sufficient remuneration or compensation, *Brooke* 735–746——Concurrence in the opinion that an extension of occupancy is the best form of compensation, *Curtin* 1174. 1185——Sufficient compensation for tenants' improvements if there were an extended tenure of the land, *Roche* 1296–1298.

Expediency of classifying tenants' improvements, with reference to the time in which the tenant might be considered to repay himself, *Joynt* 2480. 2485, 2486——Approval generally of compensation by means of thirty-one years' leases, *ib.* 2497–2501. 2516–2518——Approval of the tenant's claim for compensation being barred, if on the sale of the estate he had not given due notice of his claim, *ib.* 2627, 2628.

Approval of compensation being in the shape of leases, *Maguire* 2680, 2681——Opinion as to money compensation not being necessary if sixty years' leases were given, *ib.* 2689——Suggestion that where improvements are not fully compensated for at the end of a thirty-one years' lease, a further term be given, sufficient to make the compensation complete, *ib.* 2700–2706.

3. *Suggestions for Money Compensation, under certain Conditions:*

Proposition that tenants should get fifty per cent. on the actual increased marketable value created by them in land, the landlord obtaining the other fifty per cent., leases being given for an extended tenure, *Mackay* 466–469. 473–482. 516——Further statement in favour of the tenant and landlord each obtaining fifty per cent. of the improved value created during tenancy; way in which this proposition could be carried into practice, *ib.* 561. 677, 678——Consideration of some objections to the proposal that the tenant should always get fifty per cent. of the increased value; that is, in cases where he was not instrumental in causing the improvement, *ib.* 562–568. 679–682. 694–697.

Expediency of money compensation for improvements in case of eviction, *MacCarthy*, 518.

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3. *Suggestions for Money Compensation, under certain Conditions*—continued.

1577. 1582–1586——Suggestions for the adoption of an improved and simple form of contract between landlord and tenant with a view to the re-imbursement of the latter for permanent improvements in the event of his quitting the land, *Hamilton* 2254–2260.

Opinion that the tenant's improvements should be recognised by law, and that whenever the tenancy terminates he should be recouped the capital which he had expended in the land, *Malcomson* 2298 *et seq.*——Proposition that on the termination of the tenancy the tenant shall receive seventy-five per cent. and the landlord twenty-five per cent. of the increased value represented by improvements, *ib.* 2313 *et seq.*——Examination to the effect, that though in individual or exceptional cases inequality or injustice may be caused by the foregoing proposition, the inducements to improve the land would result in an immense preponderance of benefit, *ib.* 2314 *et seq.*

Evidence opposed to the view that tenants' improvements might be fully compensated for during the tenancy or lease, a certain number of years being allowed in order fully to repay the outlay, *Malcomson* 2321 *et seq.*——Commercial principle involved in the plan of compensation on termination of tenancy, *ib.* 2337, 2338——Tendency of the proposed system of compensation to perpetuate occupation by the same tenants, *ib.* 2371——Contemplated full power in the landlord to re-occupy the land, subject to his making compensation for improvements, *ib.* 2374–2377.

Recognition by witness of the landlord's claim to the extent of one-fourth of the improved value, whilst under the custom in the north the tenant receives all the improved value, *Malcomson* 2381, 2382——Further examination in support of the view that the landlord should compensate the tenant for his agricultural operations if they increased the value of the land, even though the tenant had already profited by the increased value, *ib.* 2397–2410——Enhanced rent to be paid by the incoming tenant under the plan of compensation proposed by witness, *ib.* 2438–2442——Approval of full power in the landlord to raise the rent of yearly tenants, the latter on going out to have compensation claims for improvements, *ib.* 2449.

Necessity of a claim for compensation over and above thirty-one years lease in respect of the erection of houses, and the reclamation of mountain and log land, *Maguire* 2681, 2682. 2688–2692.

4. *Approval of the Bill of Lord Naas:*

Statement strongly in favour of Lord Naas' Compensation Bill, as the best measure that has been proposed on the subject of compensation, and as tending to the benefit alike of the tenant, the landlord, and the community at large, *MacCarthy* 1584–1598. 1883.

5. *Checks proposed in regard to the Character and Valuation of Improvements entitling to Compensation:*

Explanation as to the conditions under which a power in tenants to make improvements would be very desirable, *Trench* 171–176——Suggestion as to the amount of expenditure with reference to the size or rent of the farm to be allowed for different improvements, and to be charged upon the farm, *ib.* 392-394. 410–426——Approval of the course adopted in the Bill in regard to compensation arrangements, and the benefit to be derived by each party, *Brooke* 708——Advantage of its being certified by some public officer that the work is a *bonâ fide* improvement, *MacCarthy* 1585. 1593——Suggestion that the value of improvements be measured by the increase of rent which an incoming tenant would give, *Malcomson* 2345. 2369——The value of the improvements might as an alternative be arrived at by the value of the crops produced, *ib.* 2372, 2373.

Expediency of every improvement entitling to compensation being suitable to the nature, extent, and condition of the farm, *Joynt* 2502——Advantage of specifying in leases the improvements to be made by tenants, *ib.* 2542–2544——Contemplated settlement by the Landed Estates Court of disputes as to the actual value to be allowed for buildings or other improvements by tenants when sales took place, *ib.* 2615–2620——Approval of a record of the improvements, upon which to base the subsequent claim for compensation, *Maguire* 2685–2688.

6. *Question of Tenants being allowed to improve without the Consent of the Landlord, and subsequently to claim Compensation:*

Wide-spread disagreement and litigation if tenants were empowered to make improvements, and to charge them upon their landlord on the termination of their tenancy, *Trench* 28, 29. 160——Grounds for strongly objecting to tenants having a claim to compensation where the improvements were carried out without the cognisance or sanction of the landlord, *Brooke* 709, 710——Bad feeling to be created by a power in tenants to make improvements carrying compensation, without the consent of the landlord; tendency of such power to depreciate the value of property, *Kincaid* 1498–1503.

Increased reluctance of witness to advise the granting of leases on account of the projected

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6. *Question of Tenants being allowed to improve, &c.*—continued.

jected power to tenants of making improvements without the landlord's consent; litigation and ill-feeling sure to arise if this proposition be carried into effect, *Hamilton* 2123. 2133. 2293——Decided objection to a power in tenants to make improvements and to charge them against the landlord, irrespectively of the sanction of the latter, *ib.* 2244–2246.

Approval of the tenant being allowed to carry out drainage, reclamation, and certain other improvements, without the consent of the landlord, *MacCarthy* 1586. 1593–1604——Statement that as regards the land itself, the tenant should have power to improve without reference to the landlord, but not as regards buildings, *Malcomson* 2394–2396——Statement in favour of power in the tenant to improve without notice to the landlord or his agent, provided the improvements did not exceed a certain acreable value, *Joynt* 2600–2604——Conclusion that in all cases the landlord or his agent would be fully cognisant of the tenant's improvement, *ib.* 2614.

7. *Question of Compensation for existing Improvements:*

Non-objection to compensation agreements with reference to existing improvements, provided these were made within the last five years or so, *Kincaid* 1532–1535.

See also *Agitation. Buildings. Capital of Tenants. Disaffection of the People. Drainage. Embankment Works. England. Leases. Reclamation Works. Security of Tenure. Tenant Right. Written Contracts.*

Competition for Land. Decrease in the competition among tenants for land, the same unduly high rents not being offered as in former years, *Trench* 303–309——Competition for the good lands, the tendency being to remove from the lands in bad situations and where the soil is inferior, *Mackay* 497. 521–525. 569–574——Exceptional instances of tenants wishing to surrender their holdings, *Brooke* 734.

Dissent from the view that the competition causes excessive rents, *Kincaid* 1069. 1091–1093——Effect of competition as regards the letting of particular farms, though the value of land generally is not affected thereby, *ib.* 1091–1094——Great desire to occupy land, the character of the buildings not being much thought of, *Curtin* 1198–1209. 1221, 1222——Evils sure to follow the practice of letting the land to the highest bidder, *Joynt* 2513, 2514——The tenants generally cling to the land with very great tenacity, *ib.* 2550. 2583–2585.

See also *Tenant Right.*

Compulsory Legislation. Wide distinction between voluntary tenant right, as in the north, and a legalized or compulsory system, *Trench* 76——Advantage if a longer time than two years were allowed before it were made compulsory to adopt written agreements, *Filgate* 1993——Exceptions taken to the provisions or penalties in the Bill for enforcing the adoption of leases; considerable difficulty on this point, *Joynt* 2549–2553——Several obstacles to a system of compulsory leases, the chief difficulty being on account of interference with the custom of tenant right, *ib.* 2634–2642.

See also *Compensation for Improvements. Leases. Written Contracts.*

Con-acre System. Strong discouragement of the con-acre system by witness as admitting of great detriment to the land, *Trench* 364–366.

Condition of Agricultural Classes. Doubt in witness's mind whether he shall not emigrate, on account of the gloomy prospects at home, *Mackay* 492. 525, 526——Statement on the question of the large sums paid for the occupation of farms having been made originally in farming, *ib.* 494–501——Unprofitable results of farming in witness's case; large expenditure on the land, whilst the rent is now one-third more than the Ordnance valuation, *ib.* 498–500. 516–520——Worse condition of the Irish farmer than of the English farmer; equal agricultural capabilities of the former, *ib.* 594–598.

Inference as to the improved condition of the people since the more punctual payment of rents, *Brooke* 718. 723–725——Fearful cases of distress sometimes occur in the county of Cork, whilst the state of agriculture in the country generally is one of stagnation and misery, *MacCarthy* 1882——Past improvements going on under the custom of tenant right, the condition of the tenants being one neither of stagnation nor misery, *Filgate* 2011–2015——Improved condition of the people in Ireland, as indicated by the larger savings and resources of farmers and others than in former years, *Hamilton* 2196, 2197.

See also *Capital of Tenants. Cultivation of the Soil. Emigration. Labouring Classes. Tenant Right.*

Consolidation of the Law. Great want of a consolidation of the law of landlord and tenant in Ireland, *Trench* 3——Great want of a simple and intelligible consolidation, *Brooke* 700–706——Decided approval of the consolidation aimed at by the present Bill, *ib.* 705——Expediency in the first instance of entirely sweeping away the old law, and of having the whole law in one short and manageable code, *ib.* 706——Great importance of the compilation of a complete and consistent code of laws, *Kincaid* 1520.

Conyngham Estate. Payment of from ten to twenty years' rent or purchase of the land for the tenant right on Lord Conyngham's estate in the north, *Russell* 833–835.

Co-operation (*Landlord and Tenant*). Evidence in favour of mutual co-operation between landlords and tenants as to the best mode of getting the latter to improve; experience of witness as agent adverted to hereon, *Kincaid* 1015 *et seq.*

Copyhold Tenures. Advantage, on the score of improvements, if there were a number of copyhold tenures in Ireland; this would follow from a legal recognition of tenant right, *Joynt* 2531–2534. 2561–2563.

Cork County. Great want of draining and subsoiling in witness's neighbourhood and in the Barony of Duhallow, *Mackay* 455, 459——Exceptional instances of land being held under lease or agreement in witness's part of the county, *ib.* 457–462——Great advance in wages in the county, whilst the labourers' dwellings have greatly improved, *ib.* 575–577——Much higher amount of the rent of the land in the county of Cork than of Sir R. Griffith's valuation although the latter is a high valuation, *ib.* 683, 684.

Doubt as to rent in the county of Cork being particularly high or higher than in other counties, *Brooke* 761, 762——Desire of tenants in the county for leases so long as they can get them on moderate and equitable terms, *MacCarthy* 1578–1581——Data for the conclusion that rents are higher in the county of Cork than in Hampshire or Dorsetshire, taking into consideration the conditions of the farms in each case as to buildings, &c., *ib.* 1796–1807——Very wretched dwellings of the labouring classes in the county, *Maguire* 2744–2747.

County Rate. Strong complaint as to the amount of the charge upon the tenants for grand jury cess or county rate, *Mackay* 531——Expediency in future contracts of half the county rate being charged to thel andlord, *ib.* 649–653——Pressure upon tenants in having to pay the whole of the county cess; suggestion that half the amount be paid by the landlord, *Curtin* 1257, 1258——Probability of the incidence of the county cess being considered by the landlord in the rent, *ib.* 1259–1261——Annual payment by witness of about 2*s.* 4*d.* a year for county cess, *Roche* 1366–1370.

Covenants in Leases. Great difficulty in enforcing against tenants specific covenants in leases, *Trench* 239. 243–245——Difficulty in enforcing the covenants in leases in regard to improvements, &c., by tenants; expediency of a cheap and ready process for enforcing all provisions in leases, *Joynt* 2545–2548.

Cultivation of the Soil. Doubt as to land being better farmed in the north than in the south, *Trench* 82–84——Thriving character of many estates in districts where tenant right is not admitted at all, *ib.* 134–136——Doubt as to there being any marked difference of management where owners of 100 or 150 acres farm their own land, *ib.* 253–263——Vast extent of land in Ireland upon which further outlay is not required, *ib.* 264.

Inducement by which the tenant is guided, towards the end of his lease, in not keeping up the land to its proper fertility, *Mackay* 513–515——Stagnant and miserable state of agriculture in the farming districts of Ireland, as compared with other countries, *MacCarthy* 1882——Summary of witness's views as to the causes of the present wretched condition of agricultural affairs in Ireland, and as to the remedy required in each case, *ib.* 1883.

Satisfactory cultivation of the soil under the custom of tenant right, *Filgate* 2015——Statement as to the land being, in the great majority of cases, deteriorated rather than improved when held for long terms by tenants, *Hamilton* 2261–2270——Want of improvement on many farms held by long leases in witness's part of the country, *Malcomson* 2411, 2412——Instance of the great stimulus to improvements where long leases are granted, *Maguire* 2729.

See also *Compensation for Improvements.* *Condition of the Agricultural Classes.* *Improvements.* *Produce of the Soil.* *Subdivision, &c.* *Tenant Right.*

Curtin, John O'Connor. (Analysis of his Evidence.)—Farms about 460 Irish acres of grazing land in the counties of Limerick and Kerry; holds under lease of thirty-one years in each county, 1153–1159——Considerable improvements made by witness on the land in Limerick leased to him by Lord Devon; fairness of the increased rent paid by him under his present lease of this land, 1160–1171——Allowance made to witness for improvements on the land held by him under Lord Kenmare, 1161——Doubt as to tenants' improvements being much carried out in Limerick county, except on the Devon estate; absence generally of leases in the county, 1167, 1168.

Insufficiency of a thirty-one years' lease for all classes of improvements undertaken by tenants, 1172, 1173——Opinion that an extension of occupancy is the best form of compensation, 1174. 1185——Approval of some control over the drainage works carried out by tenants, 1175——Doubt as to control being necessary in the matter of farm buildings; the character of the buildings might, however, be specified in the lease, 1175–1179——Suggestion that, in the case of mountain land, leases should be for fifty years, 1180–1183. 1237——For low land, about twenty-five years' leases should be given, 1180–1237.

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Curtin, John O' Connor. (Analysis of his Evidence)—*continued.*

Very unsatisfactory character of the present regulations between landlord and tenant, the latter being frequently deprived of his holding, or his rent being raised after making improvements, 1184–1195——Instances of evictions without the necessary time being allowed to tenants to compensate themselves for their outlay, 1185–1194——Particulars of a case in which the rent of a tenant was raised after he had erected a house, which was much required, 1195–1221. 1231–1233*——Great desire to occupy land, the character of the buildings not being much thought of, 1198–1200. 1221, 1222.

Importance of written contracts as a means of preventing misunderstandings, 1201, 1202——Wretched condition of the tenants of small holdings in the counties of Limerick and Kerry, 1223——Emigration of farmers' sons and of labourers, there being no emigration of solvent farmers or tenants, 1224–1227——Limited amount of improvements on the lands in Kerry and Limerick, whilst these are done chiefly by the tenants, 1228–1230——General desire of the tenants to possess leases, 1234, 1235.

Proposed extension of leases from fifty to 100 years without any increase of rent, in the case of buildings erected by tenants, 1236–1239——Examination upon the question whether a tenant would not be sufficiently compensated in twenty-one years or so, by the increased value of his farm, for any buildings erected by him, 1240–1252——Great advantage if the landlords were to make the improvements after previous arrangement with the tenants, 1253–1256——Pressure upon tenants in having to pay the whole of the county cess; suggestion that half the amount be paid by the landlord, 1257, 1258——Probability of the incidence of the county cess being considered by the landlord in the rent, 1259–1261.

D.

Deasy's Act. Serious inconsistencies between Baron Deasy's Act of 1860 and the Act 19 & 20 Vict., on the subject of leasing powers, *Kincaid* 1096——Evidence in favour of a provision in Baron Deasy's Act, in regard to the tenant having facilities for getting in his crop after expiration of lease, *ib.* 1098.

Devon, Earl of. Considerable improvement made by witness on the land in Limerick leased to him by Lord Devon; fairness of the increased rent paid by him under his present lease of this land, *Curtin* 1160–1171.

Devonshire, Duke of. Practical security of tenure now given on the estates of the Duke of Devonshire and certain other noblemen, even though sixty years' leases may not be customary, *MacCarthy* 1839–1846.

Dilapidations. Absence of any charge for dilapidations under the tenant-right system, *Trench* 25.

Disaffection of the People. High Imperial interests involved in the system of land tenure in Ireland, witness earnestly pressing on the Committee the expediency of such measures as will give the tenant a salutary interest in the soil, and thus prevent the gradual spread of disaffection and of danger to the Empire in future years, *Maguire* 2694. 2722. 2770, 2771.

Disimproving Tenants. Important distinction under witness's plan between the position and treatment of an industrious tenant and a disimproving tenant; contemplated eviction in the latter case, *MacCarthy* 1733–1739. 1755–1764. 1858–1860. 1865.

Distraint for Rent. See *Law of Distress.*

Distrust of Tenants. Great distrust on the part of tenants, lest unfair advantage should be taken of them by their landlords, *MacCarthy* 1808–1814; *Joynt* 2511, 2512——Omission on the part of tenants in regard to improvements during the beginning of their leases; feeling of distrust and suspicion, to which this is largely owing, *Malcomson* 2354–2365——Great reluctance of tenants to have their possession of capital made public, through fear of their rents being raised, *Maguire* 2723. 2728.

See also *Capital of Tenants.*

Donegal, County. Circumstance of agriculture in Donegal being in a very backward state, whilst agrarian outrages have been frequent, notwithstanding the existence of tenant right, *Trench* 91–96.

Exceptional instances of disputes or outrages having arisen in Donegal out of the tenant-right system, *Russell* 804–807. 932–934——Information relative to some agrarian outrages in the county several years ago; these were exceptional occurrences, *ib.* 807–829——Improvements effected under the tenant-right system in Donegal, both as regards the land and the buildings, *ib.* 816–818. 830–832——Considerable subdivision of the land in parts of Donegal; great difficulty in preventing this, *ib.* 842–845.

Very indifferent condition of the small farmers in Donegal; improvement, however, of late

Donegal, County—continued.

late years, *Russell* 854. 951–955——Higher rent of land in Donegal than in Meath, though on the whole the land in the latter county is of a superior character; relative population in each county adverted to hereon, *ib.* 865–870. 922–927——System pursued in letting the mountain land in Donegal; its inferiority for sheep feeding, *ib.* 935–938——Absence of compensation agreements in the county, *ib.* 939. 957, 958.

Practice in regard to the aid given by landlords towards improvements in the county, *Russell* 940–947——Considerable emigration from the county, but not on the part of the actual occupiers, *ib.* 948–950——Distress owing to the unduly small holdings, *ib.* 959–961——Forcible means sometimes resorted to in Donegal and the north for the recovery of debts or claims, in the absence of legal means of recovery, *ib.* 971–978.

Down, County. Decrease in the county of Down of the smaller farms and of one-acre holdings, *Filgate* 2071–2073——Considerable number of weavers in the county who hold small patches of ground, *ib.* 2074, 2075——Effect of manufactures in increasing the prosperity of the county, *ib.* 2075–2078.

Draft Reports. Draft reports proposed respectively by the Chairman of the Committee and by Lord Devon, the report proposed by the latter being adopted, *Rep.* xvi, xvii.

Drainage. Witness has never known any drainage improvements carried out by tenants in a scientific or proper manner, *Trench* 140, 141——Suggestions relative to the amount of expenditure by tenants to be allowed with reference to the size of the farm in the matter of drainage or reclamation works; difficulty of a fixed limit as to the compensation period in such cases, *ib.* 410–419. 439–441——Instances of immense increase in the value of land through expenditure in drainage and reclamation, *ib.* 414–416.

Witness has understood that for drainage outlay a tenant is fully compensated in twelve or fourteen years, *Brooke* 746——Great variation in the period for which drainage continues effective, *Kincaid* 1042–1047——Approval of some control over the drainage works carried out by tenants, in connection with a system of compensation, *Curtin* 1175——Instances of drainage on a large scale by landlords, but not by tenants, *Hamilton* 2271, 2272——Want of sufficient appreciation by tenants of the value of drainage operations, *Malcomson* 2365.

See also *Compensation for Improvements.* *Improvements.*

Dufferin, Lord. Concurrence in the opinion of Lord Dufferin, that security of tenure by means of liberal leases is almost all that is required in Ireland, *MacCarthy* 1821–1823.

Dwellings of the Lower Classes. See *Labouring Classes.*

E.

Ecclesiastical Commissioners. Suggestion that the Bill should not interfere with the power of the Ecclesiastical Commissioners to make fee-farm grants in Ireland on certain terms, *Kincaid* 1570.

Embankment Works. Difficulty in regard to the compensation period in the case of embankment works by tenants, *Trench* 406–409.

Emblements, Law af. See *Growing Crops.*

Emigration. Limited emigration going on from Cork county, except on the part of farm labourers, *Mackay* 486–492——Emigration of farmers' sons and of labourers, there being no emigration of solvent farmers or tenants, *Curtin* 1224–1227——Emigration of many of the small farmers who used to work part of the year, *Roche* 1442.

Approval of the practice of payment for goodwill as a means of enabling insolvent tenants to emigrate, *Kincaid* 1470–1472——Instances of voluntary emigration of solvent tenants on account of the prospects held out to them by their friends abroad; these are rare exceptions, especially where tenant right prevails, *ib.* 1472–1481——Few cases of emigration of actual farmers from the north, *Filgate* 1990–1992.

Circumstances under which witness has bought out many tenants in order to induce emigration; instances in illustration of the great benefit conferred thereby upon the people, *Hamilton* 2138–2144——Decided advantage to the country by the emigration in recent years; belief that it has not yet gone far enough, *ib.* 2140. 2145–2151——Absence of any diminution either in the productive power or the actual product of the land, in consequence of the emigration hitherto, *ib.* 2150, 2151. 2175–2177.

Expediency of proper inducements to the agricultural classes to remain at home as emigration is now going on to an injurious extent, *Malcomson* 2384——Diminished production of the country as emigration increases, *ib.*——Emigration among the farming class, but not among solvent farmers, *ib.* 2413–2418——Large emigration from Ulster notwithstanding the custom of tenant right, *ib.* 2428.

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Emigration—continued.

Very few emigrations on the part of solvent tenants, *Joynt* 2583–2589——Very rare instances of the emigration of men having leases, *Maguire* 2688——Anticipated continuance of emigration from Ireland, *ib.* 2699——Very little emigration, if any, on the part of solvent occupiers, those who go being chiefly evicted tenants and labourers, *ib.* 2739–2742. 2748——Effect of security of tenure in leading to increased employment and better wages, and in thus checking emigration, *ib.* 2749.

Encumbered Estates Court. Few instances of farmers having bought land in the Encumbered Estates Court, *Mackay* 625-631; *Russell* 930; *Maguire* 2730, 2732——Instances of sales in the Encumbered Estates Court where the proceeds of the labour and industry of the tenants have gone to the representatives of the former landlord, *MacCarthy* 1814–1816——Instances of increase of rent in the north where land has been bought in the Encumbered Estates Court, *Filgate* 1997, 1998.

Dislike of tenants towards the new landlords who have purchased under the court, *Joynt* 2578, 2579——Instance of the rent having been raised fourfold since the land came out of the court, *ib.* 2587. 2590——Multiplication of small landlords to the injury of the tenants by the operation of the court, *Maguire* 2730. 2733.

Enfranchisement of Leases. Suggestion that the Bill should not interfere with the power of Trinity College, Dublin, in regard to the enfrancisement of leases, *Kincaid* 1570.

England. Very different circumstances of land tenure and of compensation in England as compared with Ireland; so that it may not be requisite to enforce sixty years' leases in the former country; ground for this conclusion considered, *MacCarthy* 1625. 1791–1796. 1818–1820. 1856, 1857. 1884, 1885. 1958–1973——Provision of all necessary buildings, and of drainage, &c., on English farms by the landlords, *ib.* 1625.

Approval of the extension to English and Scotch tenants of the same system of compensation proposed for Irish tenants, *Malcomson* 2319, 2320. 2347–2349. 2443-2446——Large expenditure by English landlords in improvements, whereas in Ireland it is not the habit of the landlord to improve, *ib.* 2349, 2350.

Argument that the same principle which pays the landlord for his outlay in England should protect the tenant for his outlay in Ireland, *Joynt* 2481. 2582, 2583.

See also *Rents*, 3.

Evictions:

Very few cases of real hardship in respect of the eviction of tenants, *Trench* 153–158——Absence in witness's experience of any eviction of an improving tenant without compensation, *ib.* 328, 329——Prevention of hardships from ejection if the practice had been to give leases, *Mackay* 511——Apprehension of eviction on the part of tenants, so that at the end of the lease they often anticipate matters by offering a large increase of rent, *ib.* 622–624——Witness is not aware of any evictions for political reasons connected with elections, *ib.* 686, 687——Few ejectments found necessary of late years in witness's experience, *Brooke* 719. 721, 722.

Very unsatisfactory character of the present regulations between landlord and tenant, the latter being frequently deprived of his holding, or his rent being raised, after making improvements, *Curtin* 1184–1195——Instances of evictions without the necessary time being allowed the tenants to compensate themselves for their outlay, *ib.* 1185–1194——Information relative to the eviction of a large number of families last March in witness's neighbourhood; fault of the agent and not of the landlord, to which this was owing, *Roche* 1336–1345. 1393–1410.

In the event of sixty years' leases, eviction could be resorted to on failure of payment of rent, *MacCarthy* 1732——Statement that witness would covenant also for the eviction of every disimproving tenant; question hereon as to the operation of his proposal, *ib.* 1733–1739. 1755–1764. 1858–1860. 1865——Witness sees no hardship to landlords in guarding against arbitrary or unjust eviction, as under a system of sixty years' leases, *ib.* 1750——Threefold grounds upon which witness contends for depriving landlords of the power of unjust evictions, *ib.* 1788.

Constant dread of eviction on the part of tenants in Ireland, the effect being most prejudicial to the proper improvement of the soil, *MacCarthy* 1793–1795. 1808–1814——Expediency of taking from a bad landlord the powers never exercised by a good landlord in regard to evictions, *ib.* 1846–1848——Expediency of continuing the power of the landlord to evict disimproving tenants holding under long leases; limited number of such leases now in existence, *ib.* 1868-1878.

Very rare ejection of tenants for mismanagement of the land, under the tenant-right custom, *Filgate* 2006——Facility to landlords in the north of getting rid of tenants, *ib.* 2026, 2027——Absence of any instance of eviction in witness's experience, except for non-payment of rent; very rare occurrence of grievances on this score, *Hamilton* 2136, 2137——Absence of any more frequent change of tenants in Ireland than in England, whilst there is no such thing as any general dread of eviction, *ib.* 2292, 2293.

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Doubt as to any eviction of tenants in the county of Waterford on account of their votes at elections; practice of the tenants to vote according to the interest of their landlords, *Malcomson* 2447. 2450–2453——Few evictions in witness's part of the county, *ib.* 2448——Instances of the occurrence of evictions through votes at elections; experience of witness adverted to hereon, *Maguire* 2762, 2763.

See also *Redemption.*

F.

Farm Buildings. See *Buildings.*

Filgate, Fitzherbert. (Analysis of his Evidence.)—Has the management of extensive estates in the north of Ireland, 1974 ——Considers it very probable that the compulsory adoption of written agreements would be objected to by farmers in the north, lest tenant right should be interfered with thereby, 1975–1980——Disapproval of the introduction of tenant right into new districts, though on the whole it works very well in the north, 1981, 1982. 2016. 2027–2031——Varying practice on different estates in the north as to the part taken by the landlord in the selection of the incoming tenant, 1983–1989——Few cases of emigration of actual farmers, 1990–1992.

Advantage if a longer time than two years were allowed before it were made compulsory to adopt written agreements, 1993——Decided approval of the system of written contracts, as preventing misunderstanding, 1994–1996——Special advantage of written contracts where the tenants hold under middlemen, 1996——Instances of increase of rent in the north where land has been bought in the Encumbered Estates Court, 1997, 1998. Arrangements between landlord and tenant on the subject of improvements, without any written agreements being made, 1999–2003.

Suggestion that a clause be adopted specifying that nothing in the Bill shall interfere with the custom of tenant right; objection however to the custom being recognised by law, 2004. 2033–2039—— Circumstance of the existence of a lease not affecting the custom of tenant right; indifference of the tenants to leases, 2005. 2047, 2048——Very rare ejection of tenants for mismanagement of the land, 2006——Feeling of the tenants in Down and Antrim against any legislation on the subject of land tenure, 2007——Much higher price charged relatively for the goodwill of small farms than of large ones, 2008–2010.

Vast improvements going on under the custom of tenant right, the condition of the tenants being one neither of stagnation nor misery, 2011–2015——Injurious effect of the custom in depriving incoming tenants of the capital which should go to the cultivation of the land, 2016——The custom does not affect the rent or fair letting value, 2017. 2046——Injury to the tenant rather than the landlord by the operation of the custom, 2018, 2019.

Causes of the value attached to tenant right by the occupiers; doubt as to the custom giving greater security of tenure, 2020–2026——Facility to landlords of getting rid of tenants, 2026, 2027——Non-interference of the landlord with the amount received for goodwill, 2032——Varying periods at which re-valuations occur, 2040–2045——Objection to an abolition of the right of distress, 2050–2052——Improvement if the right to distrain were put in force by a public officer, 2053.

Grounds for objecting to the power of redemption being taken away, 2054–2064—— Approval of all written contracts being registered, whether the holdings were small or large, 2065–2069——Suggestion that the registry be in the hands of the clerks of petty sessions, 2070——Decrease in the county of Down of the smaller farms, and of one-acre holdings, 2071–2073——Considerable number of weavers in the county who hold small patches of ground, 2074, 2075——Effect of manufactures in increasing the prosperity of the county, 2075–2078.

Statement with reference to the mode in which tenant right is dealt with in cases of bankruptcy, as regards more especially the control or interference of the landlord, 2079–2095.

Forms of Leases. See *Leases*, 5.

Forms (*Tenants' Improvements*). Expediency of removing all complicated forms in connection with tenants' improvements generally, *Maguire* 2683, 2684. 2707.

France. Evidence in detail relative to the law and system of land tenure in France, and its effect upon agriculture, and upon the condition of the agricultural community, *MacCarthy* 1896 *et seq.*——Grounds for the conclusion that the *métayer* system in France gives practical security of tenure, and produces results far superior to those produced under the system of tenure in Ireland, *ib.* 1898 *et seq.*

Rapid change going on in France from the *métayer* system to the system of written contracts or leases, *Hamilton* 2156, 2157——Very prejudicial operation of the system of small proprietorships in France, *ib.* 2158, 2159—— Exceedingly injurious effect of the French law, which provides for land being treated as personal property and subdivided between

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between the children, *Hamilton* 2159, 2160. 2164–2170——Prejudicial effect of the subdivision of land in France upon the progress of agriculture in that country; salutary results on the other hand where the farms have been consolidated, *ib.* 2168–2174.

G.

Goodwill. See *Tenant Right.*

Government Loans. Very large sums borrowed from Government for improvements, the amount being repayable in twenty-two and a half years, *French* 111–114——Witness has superintended improvements to the extent of upwards of 150,000 *l.*, executed under the Government Land Improvement Act, *ib.* 111——Doubt as to there being practically any limit to the sum which a landlord may borrow from Government, *ib.* 116–120——Approval of Government loans being paid off in twenty-two years and a half rather than in a longer period in smaller instalments, *ib.* 130, 131——Statement of the course pursued and of the checks exercised when public money is lent through the Board of Works for improvements, *ib.* 173, 174.

Expediency of its being provided that a tenant may borrow money from some public authority for the purpose of improvements, *MacCarthy* 1585. 1589–1592.

Griffith, Sir *Richard.* See *Valuation of Ireland.*

Growing Crops (*Change of Tenancy*). Practice as to payment by incoming tenants for crops, manure, &c., in the absence of tenant right, *French* 142–146. 152——Suggestion that every lease where the life dropped during the agricultural season should extend to the 1st November after its termination, so as to give the tenant proper opportunity of severing his crop; confusion in this respect under the present imperfect law of emblements, *Brooke* 788–797——Proposal for the adoption by the Bill of provisions for enabling the tenant to get in his crop after the termination of his lease; that is, by his holding the land till the 1st November following, *Kincaid* 1089–1112.

H.

Hamilton, Charles William. (Analysis of his Evidence.)—Has the management of about 56,000 acres of land in Meath, West Meath, and other counties, 2097, 2098——Considers that amendment is greatly required in the present law between landlord and tenant in Ireland, 2099——Creation of much ill-feeling by the misunderstandings which arise between landlord and tenant as to the terms of tenure, owing to the want of written contracts, 2100–2102——Especial want of written agreements upon the subject of tenants' improvements and of compensation, 2102, 2103——Approval of very stringent legislation in order to secure the advantage of written contracts as to tenure of land; satisfaction expressed with the provisions in the present Bill on this subject, 2104–2107.

Small number of leases in Ireland as compared with tenancies at will by parol agreement, 2108, 2109——Indifference for the most part of the tenants whether they have leases or not, in regard to fixity of tenure, 2110, 2111——Desire for leases with reference chiefly to the question of compensation for improvements, *ib.*——Great difficulty in the way of leases, owing to the excessive costs of attorneys in their preparation; particulars hereon, 2112–2119——Stimulus to leases if there were a simple form of lease, and if the aid of attorneys in their preparation were not necessary, 2112. 2120.

Great importance of satisfactory compensation agreements, if some form could be provided which would not lead to future litigation, 2117——Change of witness's former views in favour of leases, the landlord's interest not being sufficiently protected since the alteration in the covenant as to alienation to a stranger without the landlord's consent, 2120–2122——Increased reluctance of witness to advise the granting of leases, on account of the projected power to tenants of making improvements without the landlord's consent; litigation and ill-feeling sure to arise if this proposition be carried into effect, 2123–2131. 2135.

Unfounded character of statements as to the wide-spread existence of bad feeling between landlord and tenant in Ireland, 2132, 2133. 2293——Occurrence of disagreements in the case chiefly of properties which have changed hands in recent years, or in cases where English proprietors do not understand the character and habits of Irish tenants, 2133, 2134——Great evil of any legislation which should tend to destroy the confidence of tenants in their landlords, 2135.

Absence of any instance of eviction, in witness's experience, except for non-payment of rent; very rare occurrence of grievances on this score, 2136, 3137——Circumstances under which witness has bought out many tenants in order to induce emigration; instances in illustration of the great benefit conferred thereby upon the people, 2138–518.

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Hamilton, Charles William. (Analysis of his Evidence)—*continued.*

2144——Decided advantage to the country by the emigration in recent years; belief that it has not yet gone far enough, 2140. 2145–2151.

Necessity of continuous employment of labourers throughout the year in order that they may live comfortably; this desideratum is not yet arrived at, 2147–2149. 2187, 2188——Considerable increase effected by emigration in the rate of wages, 2147——Great want of improved and comfortable houses for labourers; steps being taken to supply this want, 2147, 2148——Absence of any diminution either in the productive power or the actual product of the land, in consequence of the emigration hitherto, 2150, 2151. 2175–2177——Statement strongly in favour of the abolition or modification of the law of distress, as applied in Ireland, 2152–2154.

Rapid change going on in France from the *métayer* system to the system of written contracts or leases, 2156, 2157——Very prejudicial operation of the system of small proprietorships in France, 2158, 2159——Exceedingly injurious effect of the French law which provides for land being treated as personal property, and subdivided between the children, 2159, 2160. 2164–2170——Prejudicial effect of the subdivision of land in France upon the progress of agriculture in that country; salutary results on the other hand where the farms have been consolidated, 2168–2174.

Explanation on the subject of the diminution of produce in Ireland, as shown by certain statistics; belief as to stock having greatly improved in size and quality, though the numbers may have diminished, 2176–2178. 2198–2201——Vague expectations of the people in regard to legislative benefits, so that they have not entered heartily into the improvement of the land, 2176–2178——Great increase in the produce of witness's farm in the last twenty years, 2176. 2183–2186——Belief that, as regards the produce of the land, the effects of the famine of 1847 are still felt, 2178. 2200.

Great advantage of the passing of the present Bill, as the people would clearly understand their position with reference to the tenure of the soil, 2178——Absence of any fall in rents during the last ten years, 2179. 2195——Very satisfactory payment of the rents in witness's experience, there being no arrears of any moment, 2180–2182——Evil of the practice formerly of allowing arrears to accumulate, 2181——Practice on Scotch farms as to permanent employment throughout the year, 2188–2194.

Improved condition of the people in Ireland, as indicated by the larger savings and resources of farmers and others than in former years, 2196, 2197——Entire inaccuracy of the statement that all the improvements on the land are made by the tenants; calumny thereby on the landlords, 2202–2207—— Details showing the large expenditure by landlords, for whom witness acts, in the building of houses; refutation on this point of a certain statement by Mr. Caird, 2206, 2207——Expenditure of 17,503 *l.* on buildings on the Duke of Leinster's estates in the last six years, 2207—— Part taken by the small as well as the large proprietors in encouraging the erection of suitable farmhouses, 2207, 2208.

Evidence showing that rents are much higher in England and Scotland than in Ireland, 2209–2215—— Opinion as to the importance of registering not only written contracts or agreements for letting land, but also agreements for compensation; question hereon as to the limit below which it should not be necessary to register, 2216–2224——Suggestions as to the machinery for carrying out an extensive system of registration of agreements and documents; belief that after a year or two the work would not be laborious, 2219–2229.

Approval of extended powers in the magistrates to deal with minor tenancies, 2229–2234——Considerable proportion of the sales in the Encumbered Estates Court which represent small amounts of purchase money, so that farmers and others have opportunities of buying the fee-simple, 2235, 2236——Anxiety of farmers to buy the interest in adjacent farms, quite as much as to buy the fee-simple of land, 2237, 2238.

Strong disapproval of any legal recognition of tenant right, 2239–2242——Evils of the custom of tenant right as taking the land out of the hands of the landlord, and as taking away the tenant's capital, 2240–2242——Statement that, in witness's experience, the payment for goodwill never has reference to improvements by the outgoing tenant, 2243——Decided objection to a power in tenants to make improvements, and to charge them against the landlord, irrespectively of the sanction of the latter, 2244–2246.

Fixity of tenure, rather than compensation for improvements, to which the agitation on the subject of tenant right mainly has reference, 2247——Great mischief involved in a certain proposition, that tenants should have sixty years' leases, 2248–2254. 2274——Constant litigation sure to follow a system of compulsory long leases, 2251——Suggestions for the adoption of an improved and simple form of contract between landlord and tenant, with a view to the reimbursement of the latter for permanent improvements, in the event of his quitting the land, 2254–2260.

Statement as to the land being, in the great majority of cases, deteriorated rather than improved when held for long terms by tenants, 2261–2270——Instances of drainage on a large scale by landlords, but not by tenants, 2271, 2272——Almost total absence of the erection by tenants of good dwellings for labourers, 2274——Provisions suggested with

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Hamilton, Charles William. (Analysis of his Evidence)—*continued.*

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Statement in support of the conclusion that Sir Richard Griffith's valuation is not the value of the land, and cannot become a letting value, 2278–2281. 2287——Impossibility of any public valuation doing justice between landlord and tenant as the basis of rent, unless irrespectively of such valuation all the local circumstances are taken into account, 2278-2282——Advantage frequently resulting from the consideration given by landlords to tenants in difficulties, and from the opportunity given to them or their families to remain on the land, 2283–2285.

Unduly high rents in the case more especially of small holdings, where the necessities of the people compel them to make bad bargains for themselves, 2286-2288——Difficulty in being guided by Sir R. Griffith's valuation with reference to the rent of small holdings, 2287——Removal of the present reluctance of witness to grant leases if the Bill before the Committee be enacted, 2289-2291——Absence of any more frequent change of tenants in Ireland than in England, whilst there is no such thing as any general dread of eviction, 2292, 2293.

Houses and Offices. See *Buildings.*

I.

IMPROVEMENTS:

1. *Part taken respectively by Landlords and by Tenants.*
2. *Question whether Improvements can best be effected by Landlords or Tenants.*

1. *Part taken respectively by Landlords and by Tenants:*

Conclusion as regards improvements on the land, that they are generally made by the landlords or by the landlords and tenants jointly, *Trench* 26, 27. 41——Inaccuracy of any statement to the effect that improvements are made by tenants rather than by landlords, *ib.* 103, 104——Increased improvements being effected by landlords, especially in districts where there is not tenant right, *ib.* 109–111. 136——Details showing the very large expenditure by landlords upon particular estates managed by witness, *ib.* 160–170——Nothing, in fact, can be falser than the assertion that the tenants make all the improvements, and that the landlords do nothing, *ib.* 161.

Varying practice of tenants in the county of Cork in regard to improvements, accordingly as they have good landlords, *Mackay* 464——Practice of leaseholders to improve during the earlier portion of the term of the lease, whilst towards the end of the term improvements are neglected, *ib.* 465, 466——Statement that, with very few exceptions, the tenantry have done anything that has been done in the shape of improvements, *ib.* 684. 691——Part taken chiefly by the tenants in increasing the letting value, inasmuch as they are generally charged in the rent for the improvements nominally made by landlords, *ib.* 691–693——Instances of tenants offering to make improvement provided the expense were shared by the landlords, *Brooke* 737. 741, 742.

Practice of witness to allow tenants a certain amount towards drainage, &c. without there being any lease or written contract on the subject of improvements; considerable prevalence of this practice, *Kincaid* 1017–1034. 1050–1059——Greater number of farms where the landlords have not assisted than where they have assisted, more especially in the case of small estates, *ib.* 1054–1059.

Limited amount of improvements on the lands in Kerry and Limerick, whilst these are done chiefly by the tenants, *Curtin* 1228–1230——Encouragement to tenants to make improvements where leases are given, there being generally an absence of improvements otherwise, *Roche* 1275–1277. 1379, 1380——Particulars relative to the expenditure by witness on his farm in subsoiling and draining, and in building the farm-house; low rent paid for the land, and improved value at the present time, *ib.* 1278 *et seq.*; 1346–1360——Erection by witness of the house before he got his lease, he having confidence in his landlord, *ib.* 1281–1284. 1327–1332——Hardship if witness's rent were raised at the end of his lease to the full extent of the increased value through his improvements, *ib.* 1363–1365——Promise made to witness that his lease should be extended in respect of his improvements, *ib.* 1371–1373.

Arrangements between landlord and tenant in the north on the subject of improvements without any written contract, *Filgate* 1999–2003——Entire inaccuracy of the statement that all the improvements on the land are made by the tenants; calumny thereby on the landlords, *Hamilton* 2202–2207.

Necessity generally of the improvements being done by the tenants, or they are not done at all, *Malcomson* 2328——Frequent instances of tenants being afraid to improve lest the rent should be raised, *ib.* 2353—— Statement that the majority of improvements are now made by the tenants, *Maguire* 2720, 2721.

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2. *Question whether Improvements can best be effected by Landlords or Tenants:*

Greater efficiency of large improvements, such as drainage, when carried out by the landlord instead of by the tenant, *Trench* 137–141——Grounds for concluding that the best system of improvement is where the landlord and tenant co-operate for the purpose, *Kincaid* 1015 *et seq.*—— Expediency of the tenants having an interest in improvements, in order that the work may be properly done, *ib.* 1050–1053.

Great advantage if the landlords were to make the improvements, after previous arrangement with the tenants, *Curtin* 1253–1256——Advantage if the required improvements could be made generally by the landlords; these, however, are in most cases unable to provide the necessary capital, *MacCarthy* 1587, 1588——Respects in which it would still be to the interest of the landlord to spend money on improvements, if the tenants held under lease for sixty years, *ib.* 1634–1643.

Interest of the landlord to make the required improvements; avoidance of disputes by his doing so instead of the tenants, *Joynt* 2503, 2504——Probability of very few tenants-at-will being found to undertake improvements if they knew their landlords were opposed thereto, *ib.* 2623, 2624.

Grounds for preferring that the tenants rather than the landlords should make the improvements, *Maguire* 2722, 2723.

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Income Tax. Inconsistency in the provisions of the Bill on the subject of the payment of income tax, and other taxes by the tenant; amendments suggested, *Kincaid* 1129–1131.

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Interpretation Clause. Suggested alteration of the interpretation clause of the Bill as regards the definition of "lands," *Kincaid* 1126, 1127.

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Joynt, The Right Hon. William Lane. (Analysis of his Evidence.)—Is well acquainted with the management of estates, and the condition of landed property in Ireland, 2465——Considers that the law as regards landlord and tenant is in a very unsatisfactory state, and requires codification, 2466–2471——Expediency of security of tenure and compensation to tenants for improvements being embodied in an Act of Parliament, 2472——Great importance of the compulsory adoption generally of written contracts, or rather of "leases," as a preferable term to the former, 2473–2479. 2542——Prejudice of tenants against anything called a written contract, 2477.

Expediency of classifying tenants' improvements with reference to the time in which the tenant might be considered to repay himself, 2480. 2485, 2486——Almost equally good condition of a properly built slated house at the termination of a thirty-one years' lease as at the beginning, 2480——Evidence in support of the conclusion that a tenant should be entitled to compensation in respect of buildings erected by him and in good condition at the end of a thirty-one years' lease, 2481–2502.

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——Suggestion that in order to make leases general throughout Ireland there should be no contract for a less period than four or five years, and no parol-letting from year to year, 2515——Strong condemnation of the system of parol-letting from year to year, 2515, 2516——Approval of thirty-one years' leases in cases where the landlord provides the materials for building, 2517——Entire inadequacy of twenty-one years' leases as an inducement to tenants to build and improve, 2518.

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Advantage of specifying in leases the improvements to be made, 2542–2544——Difficulty in enforcing the covenants in leases in regard to improvements, &c., by tenants; expediency of a cheap and ready process for enforcing all provisions in leases, 2545–2548——Suggested extension of the operation of county courts with reference to disputes between landlord and tenant, 2548——Exceptions taken to the provisions or penalties in the Bill for enforcing the adoption of leases; considerable difficulty on this point, 2549–2553.

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Impediments to farmers purchasing small lots of estates in the Encumbered Estates Court, and occupying them themselves, 2587——Conclusion that an estate with leases is the best and cheapest which a capitalist can buy, *ib.*——Instance of the rent having been raised fourfold since the land came out of the Encumbered Estates Court, 2587. 2590——Larger sum to be realised by the sale of an estate without leases than of an estate with leases, 2588–2590——Ill will created where small farms have been purchased by men who have ousted the original tenants, or have raised the rents, 2591——Impression as to the good management of farms purchased and occupied by tenant farmers, 2592, 2593.

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knew their landlords were opposed thereto, 2623, 2624——Justification of the proposed system of compensation claims against landlords, on account of the exceptional circumstances of Ireland, 2625-2671——Anticipated objection by the immense majority of landlords to enter into compensation agreements, as proposed by the Bill, 2626——Approval of the tenant's claim for compensation being barred, if on the sale of the estate he had not given due notice of his claim, 2627, 2628.

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With regard to the Bill before the Committee, witness apprehends that much litigation may arise under the first paragraph, and suggests that an amendment be adopted on the score of removing inconsistencies in existing Acts, 1095–1098——Suggestions for the adoption by the Bill of provisions for enabling the tenant to get in his crop, after the termination of his lease; that is, by his holding the land till the 1st November following, 1098–1112——Suggested amendment of the provision in the Bill with respect to the circumstances under which the incumbrancer upon any estate may assume possession, whilst tenant's improvements have recently been carried out, 1112–1115.

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[Second Examination.]—Further statement in favour of exempting from the Bill not only lodgers, but all weekly, monthly, and quarterly tenants in towns, 1445. 1484–1487——Necessity of retaining the law of distress, as the landlord would otherwise have no option but to bring an ejectment if the rent were not paid, 1446-1449——Consideration of the present machinery for putting the law of distress in operation; obstacles to the employment of any public officer for the purpose, 1450–1463.

Grounds for strongly objecting to extending by legislation the custom of tenant-right to those parts of Ireland where it does not now prevail, 1465-1470——Unjust principle of legislation involved in the compulsory adoption of tenant-right, 1469, 1470——Approval of the practice of payment for goodwill, as a means of enabling insolvent tenants to emigrate, 1470–1472——Instances of voluntary emigration of solvent tenants on account of the prospects held out to them from their friends abroad; these are rare exceptions, especially where tenant-right prevails, 1472–1481.

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Injurious consequences of the system of competition rents in the case of small properties purchased in the Landed Estates Court, 1503. 1551——Practice of subdivision of estates sold under the Court, in order to induce greater competition in purchasing; exceptions taken to such subdivision, as not beneficial either to the tenants or the country, 1503–1515. 1551–1554——Very few instances of tenants buying lots in the Court, 1516.

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Practice of witness, as agent, in regard to the preparation of leases; increased expense when drawn by the solicitor to the estate, 1522–1524——Frequent instances of tenants not paying the stamps for leases when duly signed and executed, 1525–1527——Large number of unstamped leases in witness's possession; validity of these documents

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ments in the event of litigation, 1526–1530——Witness receives the rents of more than sixty estates, upon which there may be some 10,000 tenants, 1531.

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Probability of the landlord in Ulster not suffering, through moderate payments for goodwill, whilst he is secured as regards arrears, 1559——Opinion as to tenant-right not in any way precluding the landlord from improving, 1560, 1561——Average of from four to four and a-half per cent. as the rate at which money can now be borrowed on good landed security in Ireland, 1562–1566——Witness is not aware of any loans from companies, to be repaid by terminable annuities, as in the case of loans from the Board of Works, 1567–1570.

Suggested introduction into the Bill of the power possessed by certain parties of making perpetuity leases, 1570——Suggestion that the Bill should not interfere with the power of the Ecclesiastical Commissioners to make fee-farm grants, in Ireland, on certain terms, *ib.*——Nor with the power possessed by Trinity College, Dublin, in regard to the enfranchisement of leases, *ib.*——Nor with a certain Act of 1855, enabling persons to grant sites for churches, schools, &c., *ib.*

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Labour Supply. Apprehension that in course of time the agriculturists in Ireland will be in a very critical position through want of labour, *Mackay* 491–493——Reluctance frequently evinced by farmers to take leases on account of the uncertainty of the future supply of labour, *ib.* 633–635.

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Decided improvement within the last few years in the condition of the labouring classes on account of the increased price of labour, *Trench* 265, 266——Improvement generally in the labourer's habitations; very great improvement in this respect on the estates managed by witness, *ib.* 267–271——Wretched hovels still existing in many parts of the country, these being generally held under the farmers, and at an unduly high rent in the shape of labour, *ib.* 272–279——Great importance of an improvement in the condition of the class living in wretched huts; check thereby to emigration, *ib.* 279–281.

Inoperative character of Mr. Cardwell's Act, and of an Act in 1856, as regards the requirement of certain sanitary conditions in cottier tenements, *Trench* 282–291——Approval of the provision for allowing one labourer's tenement to every fifty statute acres, *ib.* 292, 293. 380——In the case of labourers' dwellings, erected by tenants, the compensation period should be fixed at fifteen years, *ib.* 379.

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Necessity of a continuous employment of labourers throughout the year in order that they may live comfortably; this desideratum is not yet arrived at, *Hamilton* 2147–2149. 2187, 2188——Great want of improved and comfortable houses for labourers; steps being taken to supply this want, *ib.* 2147, 2148——Almost total absence of the erection by tenants of good dwellings for labourers, *ib.* 2274——Tolerably comfortable condition of the labouring classes in Waterford county, *Malcomson* 2434, 2435——Peculiarly wretched condition of the dwellings of the farm labourers, whilst an excessively high rent is frequently paid; blame attributable hereon to the farmers or tenants rather than to the landlords, *Joynt* 2659–2667——Great importance attached to sanitary requirements in connection with labourers' dwellings, *ib.* 2659. 2666——Improved condition of the labouring classes in the county of Cork; the wages are still very low in some places, whilst the habitations are very wretched. *Maguire* 2743–2756.

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Unfounded character of statements as to the wide-spread existence of bad feeling between landlord and tenant in Ireland, *Hamilton* 2132, 2133. 2293——Occurrence of disagreement in the case chiefly of properties which have changed hands in recent years, or in cases where English proprietors do not understand the character and habits of Irish tenants, *ib.* 2133, 2134——Great evil of any legislation which should tend to destroy the confidence of tenants in their landlords, *ib.* 2135——Advantage frequently resulting from the consideration given by landlords to tenants in difficulties, and from the opportunity given them or their families to remain on the land, *ib.* 2283-2285.

Difficulty in Ireland through so many landlords being but life occupants, so that it is not their interest to make large outlay in improvements, *Malcomson* 2328——Exceptional instances of landlords putting up the land to the highest bidder at the termination of the lease; due consideration generally shown, on the contrary, to the claims of existing tenants, *Joynt* 2497. 2509–2513——Reference to the smaller class of landlords as chiefly causing the cry made in regard to the question of landlord and tenant, *ib.* 2577–2579.

Dislike of tenants towards the new landlords who have purchased under the Encumbered Estates Court, *Joynt* 2578, 2579——Evil consequences of the indulgence shown by the old landlords, superseded by the Court, *ib.* 2580, 2581——Disinterested conduct of many landlords in giving leases to their tenants preparatory to the sale of their estates. *ib.* 2588, 2589——Ill-will created where small farms have been purchased by men who have ousted the original tenants, or have raised the rents, *ib.* 2591——Anticipated objection by the immense majority of landlords to enter into compensation agreements, as proposed by the Bill, *ib.* 2626.

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Large Proprietors. Preference of tenants to live under large proprietors, *Russell* 928, 929——Equally good position of a tenant without a lease as with a lease, in the case of large and well-regulated estates, *Kincaid* 1033-1035——Exceptions taken to the view that large proprietors are very much better than small ones as regards agricultural results, *Joynt*, 2535-2537——Approval of large proprietors who should give leases, as compared with a number of small proprietors and of small tenants under them, *Maguire* 2735, 2736.

Law of Distress. Conclusion as regards the law of distress that its total abolition would be hardly just to the landlord, *Trench* 294-299. 340–355——Suggestion that the law of distress be put in force by a legal officer, under decree of the court, instead of by the landlord, *ib.* 295, 296. 334–339——Probable injury to the credit of small tenants by abolishing the law, *ib.* 330–333——Difficulty as to the recovery by landlords of the "hanging gale" or of arrears, if the law of distress were abolished, *ib.* 340–347——Tendency of an abolition of the law to promote ejectments, *ib.* 350, 351——Very rare instances of the law being abused, *ib.* 352.

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Necessity of retaining the law of distress, as the landlord would otherwise have no option but to bring an ejectment if the rent were not paid, *Kincaid* 1446–1449——Consideration of the present machinery for putting the law of distress in operation; obstacles to the employment of any public officer for the purpose, *ib.* 1450–1463——Objection to abolition of the right of distress, *Filgate* 2050–2052——Improvement if the right to distrain were put in force by a public officer, *ib.* 2053.

Statement strongly in favour of the abolition or modification of the law of distress as applied in Ireland, *Hamilton* 2152–2154—— Grounds for recommending the entire abolition of the law of distress with regard to land, *Malcomson* 2454–2460. 2464——Exceptional instances of the law being put in force, *ib.* 2457–2459.——Approval of a retention of the law of distress in the case of house property, *ib.* 2464.

Reasons for recommending the entire abolition of the law; absence of prejudice thereby either to the tenant or the landlord, *Joynt* 2571-2577——Statement in favour of the abolition of the law of distress on account of its liability to be abused, *Maguire* 2776–2786.

Laws of Landlord and Tenant. Want of alteration in the details of the law of land tenure in Ireland rather than in the general principles of the law, *Trench* 3-5——Concurrence of evidence in favour of a consolidation of the laws of landlord and tenant in Ireland,

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Trench 3; *Brooke* 700-706; *Kincaid* 1520——Unsatisfactory character of the present laws, *Mackay* 449.

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Amendment is greatly required in the present law between landlord and tenant in Ireland, *Hamilton*, 2099——The present law between landlord and tenant in Ireland is very unsatisfactory on account chiefly of the want of security to the tenant for his improvements, *Malcomson* 2294–2297——Very unsatisfactory state of the existing law of landlord and tenant, codification being much required, *Joynt* 2466–2471——The present state of the law in Ireland as to the tenure of land is most unsatisfactory and is productive of the greatest discontent, *Maguire* 2674.

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7. *Objections to the foregoing Proposition.*
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9. *Expediency of a Limit as regards small Holdings.*
10. *Opinion adverse to Leases as the mode of Compensation for Improvements.*

1. *Approval generally of Leases; Suggestions as to their compulsory Adoption:*

Importance of security of tenure, in the shape of leases, as the best form of security which can be given to a tenant, *Curtin* 1174. 1185; *MacCarthy* 1577–1583——Removal of the present reluctance of witness to grant leases if the Bill before the Committee be enacted, *Hamilton* 2289–2291——Great importance of the compulsory adoption of leases, *Joynt* 2473–2479. 2542——Suggestion that in order to make leases general there should be no contract for a less period than four or five years, and no parol letting from year to year, *ib.* 2515——Approval of leases and of compensation for improvements as preferable to an extension of tenant right, *ib.* 2541.

Great difficulty, more especially in Ulster, as regards the compulsory adoption of leases, the tenants feeling that the custom of tenant right is far more beneficial than any Bill for the enforcement of leases and the provision of compensation, *Joynt* 2553-2567——Conclusion that an estate with leases is the best and cheapest which a capitalist can buy, *ib.* 2587——Suggestion that leases may best be enforced generally by enacting that without agreements the landlord shall not be able to recover his rent or to eject, *ib.* 2629–2633.

Suggestion that the preamble of the Bill should set forth that it was the object of the Legislature to encourage leases, *Maguire* 2679. 2774, 2775——Opinion that leases are the best mode of compensating a tenant for improvements, *ib.* 2680, 2681.

2. *Feeling of Tenants on the Question of Leases:*

Increasing demand for leases in Ireland, *Trench* 208, 209——Great minority of tenants who are anxious to have leases; causes of their indifference on the subject, *Brooke* 750. 754; *Kincaid* 1521–1527. 1555–1558——General desire of the tenants in Limerick and Kerry to possess leases, *Curtin* 1234, 1235——Desire on the part of the tenants in Limerick county to obtain leases, *Roche* 1386–1391.

Frequent instances of tenants not paying the stamps for leases when duly signed and executed, *Kincaid* 1525–1527——Willingness of tenants to take long leases, though indifferent about twenty-one years' leases, *ib.* 1555–1558——Large tenants do not generally refuse to have leases, *ib.* 1557.

Circumstance of the existence of a lease not affecting the custom of tenant right; indifference of the tenants in the North to leases, *Filgate* 2005. 2047, 2048——Indifference for the most part of the tenants whether they have leases or not in regard to fixity of

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2. *Feeling of Tenants on the Question of Leases*—continued.

of tenure, *Hamilton* 2110, 2111——Desire for leases with reference chiefly to the question of compensation for improvements, *ib.*——Exceptional instances of the refusal of leases by tenants in the south of Ireland, *Maguire* 2737, 2738.

3. *Comparatively small Number of Leases in Ireland:*

Very few leases in the tenant-right districts, *Russell* 907——Small number of leases in Ireland as compared with tenancies-at-will by parole agreement, *Hamilton* 2108, 2109——Belief that leases are still more the exception in the north of Ireland than elsewhere, *Joynt* 2568–2570.

4. *As to the Cost of Preparation of Leases:*

Undue charge upon tenants in respect of the drawing up of leeses, this being the cause of refusal of many leases, *Trench* 202–205. 210——Practice of witness, as agent, in regard to the preparation of leases; increased expense when drawn by the solicitor to the estate, *Kincaid* 1522–1524——Great difficulty in the way of leases owing to the excessive cost of attorneys in their preparation; particulars hereon, *Hamilton* 2112–2119.

5. *As to the Adoption of a Form of Lease:*

Inability of witness to secure the adoption of one form of lease for all the estates under his management, on account of the difficulties raised by the lawyers, *Trench* 198–203——Stimulus to leases if there were a simple form of lease, and if the aid of attorneys in their preparation were not necessary, *Hamilton* 2112. 2120.

Form of lease provided by clause 8 of the Bill; adoption of this form by the Committee, with certain amendments, *Rep.* vii–ix.

6. *Evidence in favour of the Compulsory Adoption of a System of Sixty Years' Leases:*

Proposition for a system of sixty years' leases at rents one-fourth more than the poor rate valuation, with a power of appeal in either party for a revision or alteration of the amount of rent, *MacCarthy* 1606 *et seq.*——Grounds for concluding that sixty years' leases are necessary for Ireland, though in England twenty-one years, and in Scotland nineteen years may be sufficient, *ib.* 1624–1628——Instances of leases given by witness for sixty years and for 100 years; beneficial results in these cases, *ib.* 1644–1647. 1657–1659——Conclusion as to the inadequacy of twenty-one years or thirty years' leases for the encouragement of lasting improvements by tenants, *ib.* 1648–1656.

Witness contemplates by his scheme that the granting of sixty years' leases should be compulsory upon the landlord, *MacCarthy* 1691–1693——Except to very small occupiers witness would give a sixty years' lease to every existing tenant, whether good or bad, *ib.* 1730–1732. 1755–1758. 1765, 1766——Even where there are sufficient buildings and the farm is in good condition, a sixty years' lease should be given with a view chiefly to further improvement, *ib.* 1740–1743.

Denial that the scheme would deprive the landlord of all interest in his estate, *MacCarthy* 1744–1756——Question whether witness's scheme would not convert the landlord into a mere rent charger, *ib.* 1744–1746——Exception taken to the view that sixty years' leases would encourage absenteeism, *ib.* 1749–1751——Opinion as to the remainder-man being benefited rather than injured where the land is let for sixty years, *ib.* 1752–1754——Witness disclaims being considered as the representative of the views of the tenant-right farmers of Ireland in regard to sixty years' leases, *ib.* 1785.

Statement showing that for several reasons the scheme proposed by witness would not reduce the landlord to the condition of a rent charger, *MacCarthy* 1788——Examination upon the argument that the Irish tenant is entitled to long leases, though no such claim may be put forward or may exist in the case of the English tenant, *ib.* 1791–1796. 1818–1820. 1856, 1857. 1884, 1885. 1958–1973——Further argument that enforced adoption of leases, with the conditions proposed by witness, would be no injustice nor injury to landlords, whilst on the other hand great benefit would result, *ib.* 1834–1836. 1852–1854.

Dissent from the view that witness's plan would be a great injury to the landlords in the matter of interference with their management of their estates and with their making their own agreement as to rent, *MacCarthy* 1838. 1851–1854——Instances of satisfactory arrangements between tenants and their landlords as to the conditions of improvements by the former; expediency, however, of due security to all instead of to a few, *ib.* 1848–1851——Opinion that existing contracts should not be set aside by the proposed long leases, *ib.* 1855——For the evil of insecurity of tenure witness repeats that a long lease at a fair rent is the best remedy, *ib.* 1883.

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6. *Evidence in favour of the Compulsory Adoption of a System, &c.*—continued.

Question further considered whether, in addition to the deprivation of the power of unjust eviction, the Irish landlord would not be deprived of several important rights and privileges by witness's scheme, *MacCarthy* 1887–1892. 1950–1955——Admission as to its being a proper right still to be exercised by Irish landlords to take up portions of their own land for occupation, *ib.* 1950–1955——Anticipation that, at the end of sixty years the question of landlords re-leasing or occupying their land must be determined by the ordinary operations of competition, *ib.* 1956–1958.

7. *Objections to the foregoing Proposition:*

Very mischievous character of the proposition for giving tenants sixty years' leases, *Trench* 147–150——Great mischief involved in a certain proposition that tenants should have sixty years' leases, *Hamilton* 2248–2254. 2274——Objection on the whole to leases for sixty-one years, or any longer period, though considerable encouragement would be given thereby to improvements, *Joynt* 2528–2530.

8. *Suggestions as to the Terms of Leases with reference to different Improvements:*

Sufficiency generally of a twenty-one years' lease for agricultural purposes, *Trench* 215–217——Practice, in witness's experience, to give twenty-one years' leases to large tenants who properly manage their land, *ib.* 248–250——Advantage of twenty-one years' leases if accompanied with proper encouragement for improvements, *Mackay* 535, 536——Expediency of a tenant-for-life of any estate having power to give agricultural leases for twenty-one years, under certain restrictions; doubt as to a power in such cases to give thirty-one years' leases being desirable, *Brooke* 769. 773–776.

Approval of twenty-one years' leases as the limit for bearing all claims in respect of drainage and ordinary agricultural improvements, *Kincaid* 1040–1049——Insufficiency of a thirty-one years' lease for all class of improvements undertaken by tenants, *Curtin* 1172, 1173——For mountain land fifty years' leases, and for lowland about twenty-five years' leases should be given, *ib.* 1180–1237——Want of a sixty-one years' lease in order to compensate witness for his outlay in building, &c., *Roche* 1301–1306. 1361, 1362. 1371–1373.

Sufficient compensation for improvements, as a general rule, by means of a system of thirty-one years' leases, *Joynt* 2497–2501. 2516–2518——Probable sufficiency of a thirty-one years' lease for meeting all ordinary agricultural improvements by tenants, *Maguire* 2681. 2689–2696——Advantage if leases were given for longer periods than thirty-one years, though witness would willingly accept a compromise in the matter, *ib.* 2695, 2696. 2700.

9. *Expediency of a Limit as regards Small Holdings:*

Opinion that the smallest holding to be included in a lease should be from thirty to fifty Irish acres, or from fifty to eighty acres, English measurement, *Trench* 212–214——Expediency of leases being limited to suitable tenants, there benig numerous small holdings where they should not be granted, *Joynt* 2519–2525.

10. *Opinion adverse to Leases as the Mode of Compensation for Improvements:*

Statement in favour of legislative recognition of the principle that the tenant's capital invested in improvements should be his own at the termination of the tenancy, rather than of an extension of tenure, or a system of leases, *Malcomson* 2325 *et seq.*——Insufficiency of leases or written contracts as an inducement to tenants' outlay, *ib.* 2329–2336, 2329. 2354–2366.

See also *Assignment of Leases. Buildings. Chancery Estates. Compensation for Improvements. Covenants in Leases. Devonshire, Duke of. Dufferin, Lord. England. Rents. Scotland. Security of Tenure. Stamps. Subdivision and Sub-Letting. Value of Land. Written Contracts.*

Leinster, Duke of. Expenditure of 17,503 *l.* on buildings on the Duke of Leinster's estates in the last six years, *Hamilton* 2207.

Limerick County. Doubt as to tenants' improvements being much carried out in Limerick county except on the Devon estate; absence generally of leases in the county, *Curtin* 1167, 1168——Limited extent to which leases are given in witness's disirict, Lord Devon and Lord Clare being the only landlords who give them, *Roche* 1270, 1271. 1274. 1386–1392——Occasional instances of payment for goodwill by incoming tenants in witness's locality, *ib.* 1411–1415——Practice not to give leases to small holders, *ib.* 1416–1421.

Litigation. Very little litigation, in witness's experience, under the existing system of land tenure, *Trench* 100——Suggestion that the chairman of quarter sessions would form a desirable tribunal in all cases of litigation, *Brooke* 711–717——Importance of a cheaper and more expeditious tribunal for deciding claims to compensation, and other questions between

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between landlord and tenant, *Brooke* 711, 712 ——Anticipation that much litigation and ill feeling would be prevented by a simple and intelligent law upon the subject of landlord and tenant, *ib.* 786–788.

With regard to the Bill before the Committee, witness apprehends that much litigation may arise under the first paragraph, and suggests that an amendment be adopted on the score of removing inconsistencies in existing Acts, *Kincaid* 1095–1098——Alterations proposed in certain passages in the Bill as superfluous, or as badly expressed, and as likely to cause much litigation, *ib.* 1131–1135.

Little litigation between landlord and tenant in the county of Limerick, *Roche* 1424, 1425——Fertile source of litigation by reason of the inconsistencies of the present laws of landlord and tenant in Ireland, *Kincaid* 1517–1519——Approval of extended powers in the magistrates to deal with minor tenancies, *Hamilton* 2229–2234——Constant litigation sure to follow a system of compulsory long leases, *ib.* 2251——Doubt as to there being any less litigation under the compensation scheme proposed by witness, *Malcomson* 2384.

Suggested extension of the operation of county courts with reference to disputes between landlord and tenant, *Joynt* 2548——Statement upon the question of all disputes respecting land tenure being decided by the quarter sessions courts, or the assistant barristers, *ib.* 2645, 2646.

See also *Compensation for Improvements*, 6. *Written Contracts.*

Loans for Improvements. Witness is not aware of any private company in Ireland lending money for improvements, *Trench* 115——Average of from four to four-and-a-half per cent. as the rate at which money can now be borrowed on good landed security in Ireland, *Kincaid* 1562–1566——Witness is not aware of any loans from companies, to be repaid by terminable annuities, as in the case of loans from the Board of Works, *ib.* 1567–1570. ——Expediency of increased facilities to tenants for borrowing from the banks, *Malcomson* 2460–2462.——*See* also *Government Loans. Interest on Loans.*

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MacCarthy, John George. (Analysis of his Evidence.)—Solicitor at Cork; has had considerable experience in connection with land tenures in the county, 1571–1573—— Feeling of the farmers in the south of Ireland as to the unsatisfactory state of the law on the subject of landlord and tenant, 1574, 1575——Primary evil of the present law, that the occupier has no security that he will enjoy the results of his labours, or be recouped for his outlay of capital, 1576, 1577.

Importance of security of tenure, in the shape of leases, as the best form of security which can be given to a tenant, 1577–1583——Expediency also of money compensation for improvements, in case of eviction, 1577. 1582–1586——Suggested extension of the operation of the Record of Title Act, in order to facilitate the sale or mortgage of land by landlords, 1577——Desire of tenants in the County of Cork for leases, so long as they can get them on moderate and equitable terms, 1578–1581.

Statement strongly in favour of Lord Naas' Compensation Bill as the best measure that has been proposed on the subject of compensation, and as tending to the benefit alike of the tenant, the landlord, and the community at large, 1584–1598——Expediency of its being provided that a tenant may borrow money from some public authority for the purpose of improvements, 1585. 1589–1592——Advantage of its being certified by some public officer that the work is a *bonâ fide* improvement, 1585. 1593.

Approval of the tenant being allowed to carry out drainage, reclamation, and certain other improvements without the consent of the landlord, 1586. 1593–1604——Necessity of the landlord's consent before the erection of buildings, or the execution of permanent improvements, 1586——Advantage if the required improvements could be made generally by the landlords; these, however, are in most cases unable to provide the necessary capital, 1587, 1588.

Inadequacy of Lord Naas' Bill, unless it be accompanied with provisions for security of tenure, 1599–1605——Proposition for a system of sixty years' leases at rents one-fourth more than the poor rate valuation, with a power of appeal in either party for a revision or alteration of the amount of rent, 1606 *et seq.*——Approval of the Board of Works as the tribunal to decide appeals and to settle the rent in each case, 1610–1617 ——Circumstances by which the question of a periodical revision of the rent might be determined, 1611–1615——Failure of the present system of mutual agreement as to rent, so that it is high time to try another plan 1618, 1619. 1703–1709.

Grounds for concluding that sixty years' leases are necessary for Ireland, though in England twenty-one years, and in Scotland nineteen years, may be sufficient, 1624–1628 ——Examination upon the question of the necessity of a sixty years' lease in order to compensate

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compensate for the erection of substantial buildings; expediency in any case of such long term as an incentive to the carrying out of permanent improvements, 1629 *et seq.* ——Respects in which it would still be to the interest of the landlord to spend money on improvements, if the tenant held under lease for sixty years, 1634-1643.

Instances of leases given by witness for sixty years and for 100 years; beneficial results in these cases, 1644-1647. 1657-1659——Conclusion as to the inadequacy of twenty-one years or thirty years' leases for the encouragement of lasting improvements by tenants, 1648-1656——Reservations against subletting, or assigning, in the case of long leases given by witness, 1660-1663——Difficulty in estimating the difference in letting value between two farms, on account of the one being provided with all necessary buildings at a certain outlay, and the other being unprovided, 1664-1674.

Check to improvements under long leases where subletting is allowed; better cultivation, nevertheless, than when the land is let from year to year, 1675-1679. 1768, 1769 ——Reasons for preventing subletting in connection with long leases, unless by consent of the landlord under special circumstances, 1680-1690. 1768-1777——Witness contemplates by his scheme that the granting of sixty years' leases should be compulsory upon the landlords, 1691-1693——Facility by means of periodical revision, and of the proposed arbitration, of meeting the natural increase in the value of land, and the fluctuation in value through the fluctuation in the prices of produce, 1694-1702.

Expected avoidance of quarrels between landlord and tenant if the question of rent could be referred to an impartial Government authority, 1703——Want of improved regulations as to the letting of land, and of a system of written agreements, irrespectively of the question of sixty years' leases, 1704-1709——Freedom of the landlord but not of the tenant in regard to leases or agreements, the tenant having no option but to take the land at almost any rent, or to emigrate, 1704. 1726-1729.

Circumstances by which the tribunal of arbitration should be guided in deciding what the proper rent should be at different times and under different conditions, 1710-1714 ——Approval of stringent covenants in long leases against waste and dilapidation, 1715-1718——Contemplated forfeiture of the lease if covenants as to the erection of buildings were not fulfilled, 1719-1725——Except to very small occupiers witness would give a sixty years' lease to every existing tenant, whether good or bad, 1730-1732. 1755-1758. 1765-1766——Eviction could be resorted to on failure of payment of rent, 1732.

Statement that witness would covenant also for the eviction of every disimproving tenant; question hereon as to the operation of this proposal, 1733-1739. 1755-1764—— Even when there are sufficient buildings, and the farm is in good condition, a sixty years' lease should be given, with a view chiefly to further improvement, 1740-1743——Question whether witness's scheme would not convert the landlord into a mere rent charger, 1744-1746——Denial that the scheme would deprive the landlord of all interest in his estate, 1747-1751.

Exception taken to the view that sixty years' leases would encourage absenteeism, 1749-1751——Witness sees no hardship to landlords in guarding against arbitrary or unjust eviction, 1750——Better selling value of estates when let on long leases, 1752 ——Opinion as to the remainder-man being benefited rather than injured where the land is let for sixty years, 1752-1754.

Expediency of the stimulus of security of tenure being given to the Irish occupier, it being already given to occupiers in all other countries; that is, where the tenant is expected to make improvements, 1766, 1767. 1771-1780——Explanation of the system in Belgium in regard to leases; great distress in districts where short leases are the custom, 1781-1783.

Witness disclaims being considered as the representative of the views of the tenant-right farmers of Ireland, 1785.

[Second Examination.]—Statement showing that, for several reasons, the scheme proposed by witness would not reduce the landlord to the condition of a rent-charger, 1788——Threefold grounds upon which witness contends for depriving landlords of the power of unjust evictions, *ib.*——Further defence of the arrangement proposed in regard to the question of rent, as the landlord would be secured a fair rent, though he would be prevented from exacting what rent he pleased for his property, 1788-1790.

Very different circumstances of land tenure and of compensation in England as compared with Ireland, so that it may not be requisite to enforce sixty years in the former country; grounds for this conclusion considered, 1791-1796. 1818-1820. 1856, 1857. 1884, 1885——Constant dread of eviction on the part of tenants in Ireland, the effect being most prejudicial to the proper improvement of the soil, 1793-1795. 1808-1814—— Intention of the great majority of the Irish landlords to act fairly and considerately towards their tenants, 1794. 1813. 1831. 1973——Data for the conclusion that rents are higher in the County of Cork than in Hampshire or Dorsetshire, taking into consideration the conditions of the farms in each case as to buildings, &c., 1796-1807.

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Great reluctance of farmers to expend their capital in improvements, on account of the precariousness of their tenure; instances in illustration, 1808–1814——Immense capital represented by the deposits of the farmers in the banks, the money having been made by farming in past years, 1808–1810——Good foundation for the fear of the tenants that their rents might be raised if it were known they were in possession of capital, 1811, 1812——Instances of sales in the Encumbered Estates Court, where the proceeds of the labour and industry of the tenants have gone to the representatives of the former landlord, 1814–1816.

Reference to Ireland as the only civilised country in which the onus of improvement is thrown upon the tenant, and where the value or property he creates in the soil is liable to confiscation, 1817. 1883——Concurrence in the opinion of Lord Dufferin, that security of tenure by means of liberal leases is almost all that is required in Ireland, 1821–1823——Approval of the facilities in the Bill with reference to compensation agreements, as a step in the right direction, 1824–1829——Probable refusal of landlords to enter into compensation agreements, whilst tenants would be afraid to have it known that they had capital available, 1827–1833.

Further argument that the enforced adoption of sixty years' leases, with the conditions proposed by witness, would be no injustice nor injury to landlords, whilst on the other hand great benefits would result, 1834–1836. 1852–1854—— Statement in further explanation of the machinery proposed for a periodical revision and re-valuation of estates, 1837, 1838——Dissent from the view that witness's plan would be a great injury to landlords in the matter of interference with the management of their estates, and with their making their own agreements as to rent, 1839. 1851–1854.

Practical security of tenure now given on the estates of the Duke of Devonshire and other noblemen, even though sixty years' leases may not be customary, 1839–1846—— Expediency of taking from a bad landlord the powers never exercised by a good landlord in regard to evictions, 1846–1848——Instances of satisfactory arrangements between tenants and their landlord as to the conditions of improvements by the former; expediency, however, of due security to all instead of to a few, 1848–1851.

Opinion that existing contracts should not be set aside by the proposed long leases, 1855——Witness further submits that the position of the Irish tenant at will is entirely exceptional, in his having no security of tenure, 1856, 1857. 1883——Important distinction under witness's plan between the position and treatment of an industrious tenant and a disimproving tenant, 1858–1860. 1865—— Statement with further reference to the injurious effect of long leases granted in former years, on account of there being no provisions against sub-letting, 1861–1863. 1878–1881.

Argument that security of tenure is the best possible stimulus to industry in the Irish tenant, 1864–1867. 1873——Expediency of continuing the power of the landlord to evict disimproving tenants holding under long leases; limited number of such leases now in existence, 1868–1878——Mischievous effect of the long leases formerly granted as creating the race of middlemen, through the practice of sub-letting, 1879–1881—— Stagnant and miserable state of agriculture in the farming districts of Ireland as compared with other countries, 1882.

Summary of witness's views as to the causes of the present wretched condition of agricultural affairs in Ireland, and as to the remedy required in each case, 1883—— National injustice involved in throwing the onus of improvements on the tenant, whilst the moment he effects them they become the property of another, *ib.*——Difficulty as to the transfer or conveyance of property by landlords further adverted to, the remedy proposed being an extension of the Record of Title Act, *ib.*——For the evil of unsecurity of tenure, witness repeats that a long lease at a fair rent is the best remedy, *ib.*——Whilst on the score of compensation for improvements, the Bill of Lord Naas provides all that is required, *ib.*

Further examination upon the argument that the Irish tenant is entitled to long leases, though no such claim may be put forward or may exist in the case of the English tenant, 1884, 1885. 1951–1973——Question further considered whether in addition to the deprivation of the power of unjust eviction, the Irish landlord would not be deprived of several important rights and privileges by witness's scheme, 1887–1892. 1950–1955——Nature of the extension proposed in the matter of the Record of Title Act, 1893–1895

Evidence in detail relative to the law and system of land tenure in France, and its effect upon agriculture, and upon the condition of the agricultural community, 1896 *et seq*—— Grounds for the conclusion that the *métayer* system in France gives practical security of tenure, and produces results far superior to those produced under the system of tenure in Ireland, 1898 *et seq.*

Admission as to its being a proper right still to be exercised by Irish landlords, to take up portions of their own land for occupation, 1950–1955——Anticipation that at the end of sixty years the question of landlords re-leasing or occupying their lands must be

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determined by the ordinary operations of competition, 1956–1958——Repetition of the argument for an exceptional treatment of the Irish tenant, as he must at present either leave the country or pay whatever rent may be demanded of him, 1958–1973.

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Great want of draining and subsoiling in witness's neighbourhood, and in the barony of Duhallow, 455, 456——Exceptional instances of land being held under lease or agreement in witness's part of the country, 457–462——Decided approval of the proposed requirement of written contracts, 463——Varying practice of tenants in regard to improvements, accordingly as they have good landlords, 464——Practice of leaseholders to improve during portion of the term of the lease, whilst towards the end of the term improvements are neglected, 465, 466.

Suggestion that tenants should get fifty per cent. on the actual increased marketable value created by them in the land, the landlord obtaining the other fifty per cent., leases being given for an extended tenure, 466-469. 473-482. 516——Existence of the custom of tenant-right on the property of the late Marquis of Thomond, 470, 471——Instance of large payments for occupation or goodwill in the case of some coast land of the Marquis of Thomond; hardship on the subsequent sale of this land, the tenant having no lease, and having been ejected, 471. 504–510——Opinion that tenant-right might be recognised by law, 472, 473.

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Competition for the good lands further adverted to, the tendency being to remove from the lands in bad situations and where the soil is inferior, 569–574——Great advance in wages in the county of Cork, whilst the labourers' dwellings have greatly improved, 575–577——Explanation of the terms under which the labourers hold their cottages and gardens from the farmers, 578–593——Worse condition of the Irish farmer than of the English farmer; equal agricultural capabilities of the former, 594–598.

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2. *Information in connection with the Payments for Goodwill.*
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Written Contracts:

1. *Generally in Approval of the Principle of Written Contracts; Evils to be remedied thereby.*
2. *Suggestions for the Enforcement of the Principle: Question of making certain Exceptions.*

1. *Generally in Approval of the Principle of Written Contracts; Evils to be remedied thereby.*

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2. *Suggestions*

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Y.

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